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POPULAR LEGISLATION IN THE UNITED STATES

THE DEVELOPMENT OF THE SYSTEM

NEITHER the initiative nor the referendum is new even in America. Both were employed in colonial Rhode Island before the middle of the seventeenth century.[1] The initiative, as early as the third year of the Revolutionary War, was embodied in the first constitution of Georgia.[2] It was proposed and nearly adopted in the Pennsylvania convention[3] of 1837, and it was introduced in a modified form into the Virginia instrument[4] of 1850. The referendum has had a much more extensive history. It was frequently employed in colonial times, especially in New England, and during the nineteenth century it came to be used in many states, particularly in local legislation; while the constitutional referendum, adopted in all the states with the single exception of Delaware, has familiarized the American people with the practice of the direct popular ratification of the fundamental laws. But the revival and combination of the two systems in such a way as to include all legislation is recent.[5] Public interest in the subject appears to

[1] Records of the Colony, I, 148, 149.

A distinguished Rhode Island writer says that "the power of the freemen of the towns to initiate legislation has never been formally abolished but is only lost through non-use." Amasa M. Eaton, in 13 *Harvard Law Review*, p. 588.

[2] Article lxiii.

[3] Proceedings and Debates, XII, 58, 84.

[4] Article iv, section 5.

[5] This is even more true of England. So late as 1863, Mr. Freeman said: "Nobody has ever proposed that every adult male should vote in the making of laws, but only in the choosing of lawgivers." History of Federal Government, p. 72, note.

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have been first aroused in our time by the publication, a score of years ago, of Mr. Bryce's classical study of American politics,[1] and it was increased by Dr. Borgeaud's writings.[2] The comparison of our political institutions with those of the Swiss was a revelation to most Americans and led to a study of the earlier half-forgotten chapters in our national experience. Ten years have now elapsed since the subject first passed from academic discussion to practical legislation, and it seems a fitting time to review the progress of the movement and estimate its results.

South Dakota.—The first formal adoption in America of the initiative and referendum as applicable to all legislation occurred in South Dakota. In 1897 a joint resolution was passed by the legislature of that state, proposing an amendment to the state constitution.[3] It provided that

> The legislative power of the state shall be vested in a legislature, which shall consist of a senate and house of representatives, except that the people expressly reserve to themselves the right to propose measures, which measures the legislature shall enact and submit to a vote of the electors of the state, and also the right to require that any laws which the legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions.[4]

The section further provides that not more than five per cent of

[1] The American Commonwealth (1888), I, 448 *et seq.*

[2] Rise of Modern Democracy in Old and New England (1894), Adoption and Amendment of Constitutions (1895).

[3] South Dakota Laws, 5th session, ch. 39.

[4] The last clause has been construed by the Supreme Court of South Dakota, in connection with other constitutional provisions, to include legislative acts passed with the so-called emergency clause, to which, it is held, the amendment does not apply. State *ex rel.* Lavin *v.* Bacon, 14 South Dakota, 394. This, it will be seen, may sensibly narrow the scope of the referendum, since the legislature may decide to insert an emergency clause in any act. The decision is based, however, upon the peculiar wording of the South Dakota constitution.

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the electors need petition to invoke its provisions, that the governor's veto power shall not be applicable thereto, and that the system shall apply to municipalities.[1]

The proposal came before the people in November of the following year and was adopted by a pronounced majority.[2] By its terms the legislature was directed to make suitable provisions for carrying the measure into effect;[3] and at its ensuing session that body passed an act providing the method of invoking the privileges of the amendment in the case of state legislation,[4] and an act making it applicable to municipal ordinances and resolutions.[5] The state is said to have secured fairly satisfactory results from the operation of the law.[6]

Utah.—The next state to make provision for direct popular

[1] South Dakota Laws, 1897, ch. 39, sec. 2.

In the same year, but a little more than a month later, the Nebraska legislature passed an act extending the referendum to any "municipal subdivision." Nebraska Laws, 1897, ch. 32; Nebraska House Journal, 1897, p. 1160.

In 1901, the Illinois legislature passed "an act providing for an expression of opinion by electors on questions of public policy at any general or special election." The initiative must be taken by ten per cent of the registered voters of the state or twenty-five per cent of those of a smaller subdivision. Illinois Laws, 1901, p. 198.

In 1905 the Texas legislature enacted an elaborate election law (Texas General Laws, 1905, 1st called session, ch. 11, sec. 142) which provides, *inter alia*:

"Whenever delegates are to be selected by any political party to any state or county convention by primary election or primary convention or candidates are instructed for or nominated, it shall be the duty of the chairman of the county or precinct executive committee of said political party upon application of ten per cent of the members . . . to submit at the time and place of selecting said delegates any proposition desired to be voted on by said voters, and the delegates selected at that time shall be considered instructed for whichever proposition for which a majority of the votes are cast." Details as to the manner of invoking the system are also provided and have already been applied. See *Referendum News*, vol. i, no. 8, p. 9.

[2] 23,816 as against 16,483; South Dakota Laws, 7th session, 1901, p. xii, note. Governor Lee, in his message to the legislature of 1899, closed as follows a passage devoted to praise of the new system: "The large plurality by which the amendment was ratified at the polls indicates how generally its simple provisions were understood and how popular they were with the masses who will be beneficiaries of their successful operation." South Dakota House Journal, 6th session (Pierre, 1899), pp. 131, 132.

[3] South Dakota Laws, 5th session, ch. 39, sec. 2.

[4] *Ibid.*, 6th session, ch. 93. [5] *Ibid.*, ch. 94.

[6] M. A. Schaffner, "The Initiative, the Referendum and the Recall," in *American Political Science Review*, II, 33.

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legislation was Utah. Its legislature in 1899 proposed by joint resolution[1] a constitutional amendment establishing the initiative and the referendum. After reciting that the law-making power shall be vested in the people as well as in the legislature, it was provided that

> The legal voters, or such fractional part thereof, of the state of Utah as may be provided by law, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people for approval or rejection, or may require any law passed by the legislature (except those laws passed by a two-thirds vote of the members elected to each house of the legislature) to be submitted to the voters of the state before such law shall take effect.[2]

A subsequent clause made the same provision applicable to "any legal subdivision of the state" and "the law-making body" thereof.[3] The entire proposal was voted upon at the election in November, 1900, and it was adopted by a majority of nearly three to one.[4]

Notwithstanding this emphatic expression of popular approval, the movement seems to have made little further progress in Utah. Governor Wells, in his message of 1901,[5] called attention to the fact that legislation was necessary in order to carry these provisions into effect; and it is apparent that this is even more true than in South Dakota, since by the express terms of the Utah amendment the conditions, manner and time of the popular initiative and the number of voters requisite are left to be "provided by law." Up to this time, however, the necessary laws have not been enacted.

Oregon.—The movement toward the new system of legislation began in Oregon earlier than in Utah, but it was retarded by the constitutional requirement[6] of action by two successive

[1] Utah Senate Journal, 3rd session, p. 453. [2] *Ibid.* [3] *Ibid.*

[4] 19,219 as against 7786; Report of the Utah Secretary of State, 1899–1900, p. 46.

[5] *Ibid.*, p. 39.

[6] Oregon Constitution, art. xvii, sec. 1.

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legislatures. On February 6, 1899,[1] the governor approved a concurrent resolution[2] of the two legislative branches proposing a constitutional amendment providing for the initiative and referendum. This amendment was more elaborate in its phraseology than either the South Dakota or the Utah amendment. It contained most of the provisions of the former, but it did not include municipal legislation. The second step was taken at the session of 1901, when an act[3] was passed formally submitting the amendment to the voters. It came before them at the June election of 1902, and was ratified by a majority of about eleven to one.[4]

While the Oregon amendment was more complete in detail than any previously adopted, it nevertheless contemplated further legislation affecting procedure. This was provided in 1903 by a comprehensive act which applied not only to ordinary statutes but to constitutional amendments as well.[5] It greatly reduced the time required to procure adoption of the latter; and it permitted the distribution by the secretary of state of literature furnished by the advocates and opponents of any proposed amendment.[6]

The amendment had yet, however, to run the gauntlet of the courts. In 1903 an action reached the Supreme Court in which the validity of the amendment was assailed on several grounds, one of which was that it violated the article of the federal constitution guaranteeing to each state "a republican form of government." The court in an exhaustive opinion upheld the amendment *in toto*, and as to the objection just mentioned it observed: "The initiative and referendum amendment does not abolish or destroy the republican form of government or

[1] The Utah resolution was passed on March 9 of the same year.

[2] Oregon Laws, 1899, p. 1129. [3] *Ibid.*, 1901, p. 4.

[4] 62,024 as against 5668, the total vote cast at the election being 92,920. New York State Library Report, 1903, p. 723.

[5] Oregon Laws, 1903, p. 244.

[6] *Ibid.*, sec. 8. See a discussion of this feature in an article by Professor George H. Haynes, "The Education of Voters," in POLITICAL SCIENCE QUARTERLY, XXII, 484–497. The entire act has been superseded by the more elaborate provisions of ch. 226 of Oregon Laws, 1907.

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substitute another in its place. The representative character of the government still remains. The people have simply reserved to themselves a larger share of legislative power."[1]

The people of Oregon have not been slow to avail themselves of the new system. Through it they have already adopted a direct primary law,[2] a local option law,[3] constitutional amendments[4] extending the system to municipal legislation and allowing the referendum as to items and parts of acts,[5] laws imposing taxes upon the gross earnings of public-service corporations and prohibiting free passes.[6] As this is but the partial[7] fruitage of only half a dozen years, it would seem that the system is destined to play a large part in the legislative history of the "Sunset State."

Nevada.—As in Oregon, so in Nevada, which was the next state to take action on the referendum, an amendment to the constitution[8] requires the approval of two successive legislatures. The Nevada legislature of 1901 adopted a joint and concurrent resolution[9] embodying the principle of the referendum but not providing for the initiative. At the session of 1903 this resolution does not appear to have been specifically approved, but another was adopted with almost the same phraseology as the Oregon amendment.[10] The amendment ratified by the people at the general election of 1904[11] appears, however, to have been that which was proposed in 1901, and as such it was inserted in an official edition of the constitution as amended,[12] perhaps on the theory that the second resolution necessarily included and involved approval of the first. Inasmuch, however,

[1] Kadderly *v.* Portland, 44 Oregon, 118,145. See a discussion of this case in *The Arena*, XXXII, 128.

[2] Oregon Laws, 1905, ch. 1. [3] *Ibid.*, ch. 2.

[4] N. Y. State Library Bulletin of Legislation, 110 (1906), 115c.

[5] Oregon Laws, 1907, ch. 1, 2.

[6] *Referendum News*, vol. 1, no. 9, p. 3. [7] *Ibid.*

[8] Nevada Constitution, art. xvi, sec. 1.

[9] Nevada Laws, 20th session (Carson, 1901), p. 139.

[10] *Ibid.*, 21st session (Carson, 1903), p. 231.

[11] *Ibid.*, 22nd session (Carson, 1905), pp. 339, 340. [12] *Ibid.*

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as the constitution expressly requires[1] that "such proposed amendment . . . shall be agreed to" by the second legislature, it would seem to preclude the substitution of an amendment which, although embodying the substance of the original proposal, varies therefrom in form. In the latest official edition[2] of the Nevada constitution the amendment in question is omitted.

Missouri.—In 1903 the legislature of Missouri adopted a joint and concurrent resolution[3] proposing a constitutional amendment which provided, in much the same phraseology as that adopted in Oregon, for the initiative and referendum. It came before the electors of Missouri but failed of adoption.[4] This seems to be the first instance of such a failure where the system has been placed fairly before the people. The legislature of 1907, however, resubmitted the proposal[5] in slightly modified terms,[6] and it comes again before the voters at the general election of 1908.

Montana.—In 1905 the Montana legislature proposed an initiative and referendum amendment,[7] which appears to have been modeled upon the Oregon provision. This amendment went to the people at the general election of 1906 and was adopted.[8] In 1907 the legislature passed an act regulating the details of procedure, and including the Oregon plan for instructing the voters by means of literature furnished by those initiating or opposing a measure and distributed by the secretary of state.

[1] Art. xvi, sec. 1.

[2] Nevada Laws, 23rd session (Carson, 1907), p. 486.

[3] Missouri Laws, 1903, p. 180.

[4] *Ibid.*, 1905, pp. 312–325. N. Y. State Library Legislative Bulletin, 1904, 115b.

[5] Missouri Laws, 1907, p. 452.

[6] Laws appropriating money for current expenses and state institutions are excepted. A petition of eight per cent is required for the exercise of the initiative and ten per cent for the referendum, while municipal legislation is not expressly included.

[7] Montana Laws, 1905, ch. 61.

[8] N. Y. State Library Index of Legislation, 1906, 115b.

[9] Montana Laws, 1907, ch. 62.

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Delaware.—Although Delaware is distinguished as the one state in which the people have had no share in adopting or amending a constitution, and although the statutory referendum has been almost unknown there,[1] its legislature in 1905 submitted[2] to the electors the question: "Shall the general assembly of the state of Delaware provide a system of advisory initiative and advisory referendum?" The election was held in November, 1906, and of those voting on the question six-sevenths expressed themselves in its favor.[3] One year later the system was applied in determining whether liquor licenses should be granted, a majority of the electors in two out of the three counties voting in the negative.

Maine.—At its session of 1907 the legislature of Maine adopted an elaborate proposal[4] for a constitutional amendment establishing direct popular legislation. It includes the main features of the Oregon measure. It also provides for public hearings before the legislature and for selection from several competing measures. This amendment was adopted by a very large majority at the state election in September, 1908.

North Dakota.—The legislature of this state also submitted in 1907, to be voted on in 1908, an amendment to the constitution providing for the initiative and referendum. It likewise embodies many provisions of the Oregon law, but is expressly declared to be self-executing, and it fixes as the basis for determining whether a measure has received a popular majority the vote cast for justices of the Supreme Court.[5]

Oklahoma.—The latest commonwealth (prior to 1908) to join the movement for the initiative and referendum, and the first to

[1] The one conspicuous instance—the attempted submission of a prohibitory liquor law in 1847—was frustrated by the decision of the Supreme Court in Rice *v.* Foster, 4 Harr. (Del.), 479.

[2] Delaware Laws, 1904–05, ch. 53.

[3] N. Y. State Library Index of Legislation, 1906, 115a.

[4] Maine Acts and Resolves, 1907, ch. 121.

[5] For the text of this proposed amendment, see *Equity*, vol. ix, p. 7.

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embody it in an original constitution, is Oklahoma. This newest of our states enters the Union with a fundamental code, ratified by an unusual majority, which devotes an entire article [1] to the new system. In general, Oklahoma follows the Oregon plan, but the system is made applicable to items and parts of acts [2] and to county, district and municipal legislation.[3] The article appears sufficiently specific to be self-executing, but it provides for further legislation "to prevent corruption in making, procuring and submitting initiative and referendum petitions." [4]

Such then is the present status of the initiative and referendum in America, as revived and reëstablished upon Swiss models. Without assuming to forecast the future we may summarize the results as follows:

(1) Everywhere the system is merely an alternative one. No attempt has been made to abolish law-making by the representative legislature, but only to supplement it with law-making by popular vote, and this, too, not in all cases, since matters requiring speedy action are still left to the representative body.

(2) While the present movement started in the trans-Missouri region and has had its greatest development there, it has also spread to other states, including the one state which has never employed the constitutional referendum. The movement has not been confined to states dominated by either one of the two great political parties. The movement, in fact, is neither sectional nor partisan.

(3) The system has as yet been fairly tested in one state only, Oregon. If it has there produced evil results, they have not been made known to the country at large. No radical or otherwise objectionable measures have been enacted by this method. The two most conspicuous achievements of direct popular legislation in Oregon—the laws providing for the direct primary and for taxing the gross earnings of corporations—have long been urged by conservative reformers elsewhere. Nor

[1] Oklahoma Constitution, 1907, art. v.

[2] *Ibid.*, sec. 4. [3] *Ibid.*, sec. 5. [4] *Ibid.*, sec. 8.

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has there been any such lack of interest on the part of the electorate as would indicate that good measures are likely to fail, or bad ones to be adopted, through the indifference of the better class.[1] At the last general election in Oregon the vote on one of the measures submitted rose to seven-eighths of the total vote for governor.[2] Even in a state where, though authorized, it has been little used, its value in abolishing the lobby has been attested by the chief executive.[3]

Finally the educational influence of the system, especially when coupled with special features like those already noticed in Oregon and Montana, should not be ignored. The movement on the whole is one of the most significant of contemporary political tendencies in America and furnishes a subject for profitable study and thoughtful consideration.

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[For the results of popular votes in November, 1908, on initiative and referendum amendments, see *infra*, RECORD OF POLITICAL EVENTS, UNITED STATES, STATE AFFAIRS.—EDS.]

[1] See article by W. S. U'Ren, *The Arena*, XXXII, 128.

[2] See *Review of Reviews*, XXXIV, 143; POLITICAL SCIENCE QUARTERLY, XXII, 484, 494. The article last cited quotes a visitor in an Oregon village as saying: "There can be no question of the fact that the voters were much interested, and the more intelligent ones had a sense of responsibility which made them express themselves with a good deal of emphasis."

[3] See *The Independent*, LIV, 1977.

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POPULAR LEGISLATION IN THE UNITED STATES

THE VALUE OF THE SYSTEM

THE legislature is, in popular estimation, the least efficient of the departments of state government. In our states the executive and judiciary are seldom subjected to severe criticism. Adverse comment upon these departments is directed almost entirely against individuals rather than against the system. When the legislature is mentioned, however, there is a feeling that representative government has to a considerable extent failed and that a radical change is needed. The remedy usually advocated is the initiative and the referendum.

Direct popular legislation is, of course, no new thing, nor is it incompatible with representative government. We have constantly had primary as well as representative legislation. Massachusetts had its town meetings as well as its General Court. We have long had the referendum for constitutional amendments. Our legislative system, however, is and will continue to be in the main representative. The initiative and referendum do not concern themselves with the ordinary mass of legislation. They only modify the present system by endeavoring to afford exceptional relief in extreme cases. If any extraordinary relief is necessary, we must then determine whether the initiative and referendum are the best means for meeting the situation. This is not a question as between democracy and aristocracy, but as between good or poor laws. Will the initiative and referendum improve our statutes?

Before this question can be answered it is necessary to determine wherein and to what extent our present legislative system has failed. It is not necessary to enumerate all the defects of our legislatures and to show the nature and extent of each defect, nor would this be possible within the limits of a single article. It is desirable, however, briefly to indicate the directions in which legislative dereliction is possible and the evils which the initiative and referendum are expected to cure.

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The legislature may sin by commission. It may and does enact laws which are unwise, uncalled-for, ill-considered or positively bad; and the number of these laws is so great that some remedy is called for to prevent their further increase. Among the laws which are especially objectionable are those that extend improper favors to special interests; those that attempt unwise interference with human conduct; and those that are intended to accomplish a proper purpose but are so poorly worded and ill arranged that their object is not attained.

The body of state laws falling under the first category is not large. Acts which make special grants of franchises or powers are not numerous; our legislatures offend less often in this manner than do our municipal councils. Nearly all our state constitutions contain prohibitions against special legislation, and the extension of legislative power in this direction is undoubtedly best curbed by such constitutional limitations and their careful enforcement by the courts. Measures which are general in form but which are intended to benefit some politically powerful class are probably more numerous. Whether the class that is benefited consists of capitalists or of laboring men, the desirability of some device which will check legislative encroachment in this direction must be admitted.

As regards the second category of objectionable laws, those which interfere unwisely with human conduct, critics necessarily differ. What seems unwise and therefore objectionable to one man appears wise and desirable to another. Everything depends upon the point of view of the critic, upon the system of social and political philosophy of which he is an adherent. The great legislative activity of recent years in the regulation of business is regarded by some as an indication of the highest wisdom; by others it is considered as an unwarranted interference in private affairs, resulting in disaster not only to the businesses affected but also to the public. Legislative activity in this direction is in accordance with the collectivist spirit of the times. *Laissez faire* is political bad form. The majority of social thinkers, and especially those who advocate the initiative and referendum, do not regard the work of our legislatures in this direction as in need of any check.

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The third class of objectionable laws, consisting of measures that are defective in form, that fail to accomplish the desired end because of the lack of skill with which they are drawn, is undoubtedly very large. An examination of the session laws of the last few years shows many laws which are apparently designed to accomplish laudable objects but which are so worded and arranged that their meaning is doubtful and their efficacy very problematic.

Probably the direction in which legislatures are commonly supposed to be most at fault is in failing to enact laws which are really necessary. They undoubtedly refuse to pass laws which are for the public interest; decline to accede to demands for the correction of evils; neglect to recognize needs for advanced legislation. The extent to which they have thus failed is, however, a debatable question. Here, too, everything depends upon the point of view. During the last few years our lawmakers have undoubtedly responded to popular demands for the regulation of railroads, of public-service corporations and of insurance companies. Where they have failed to meet more radical views it is probably because the more radical element is in the minority.

This is then the bare outline of the modern legislative problem. It is recognized as desirable to prevent the passage of laws which are in themselves bad; to improve the form of laws which seek to bring about a desired result; to secure laws which will better and more adequately correspond to modern conditions. To what extent will the initiative and referendum assist in the solution of this problem? A consideration of this question require sfirst an examination and explanation of these plans for direct legislation.

The referendum consists in a popular vote upon a proposed law. It may be either optional with the legislature or obligatory upon it. In the former case, the legislature which desires for some reason to obtain an expression of the popular sentiment upon a pending measure may provide that it shall not be in force until ratified at an election. This device has sometimes been resorted to under our present legislative system, but in many states it is not now allowed because it is con-

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sidered a delegation of legislative power. Where no such constitutional prohibition stands in the way, a legislature may at any time attach such a condition to a law. In states where this is not allowed, a simple constitutional amendment would change the situation. There exists, however, no particular sentiment in favor of the extension of the optional referendum.

The obligatory referendum provides that the ordinary legislative enactment shall be suspended for a certain time, usually ninety days from its passage. During that period a petition filed by a designated percentage of the voters may further set aside any law until it can be submitted to and ratified by a popular vote. Under some of these provisions the filing of a petition signed by the minimum number at once nullifies the law, while in others a larger petition is required to prevent the law from taking effect. After such a petition is filed, the vote is usually taken at the next general election. From the operation of this referendum petition are excluded certain emergency measures, including appropriation bills, which require a special vote for their enactment in the legislature.

The other use of the obligatory referendum is after a bill has been submitted by an initiative petition. In such a case the bill either goes directly before the people for a referendum vote or is presented to the legislature for its action. Should the legislature adopt the bill, it is treated like any other legislative act and is not subjected to the referendum unless a petition calling for such a vote is filed as in other cases.

The initiative is the power given to the people to propose bills. In all the plans presented for consideration the initiative is coupled with the referendum. The referendum, as already indicated, may stand alone and operate only upon bills which have passed the legislature. The initiative cannot stand alone. The mere power to submit a bill to the legislature does not require any special or novel machinery. Under our present legislative system any body of voters, however small, may easily have any special measure brought to the attention of the lawmakers, as there is always some member who will introduce a bill "by request." In addition to the power to introduce the bill, there is needed the power to compel its adoption. This additional power is found in the referendum.

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As has already been noted, the intervention of the legislature between the initiative and the referendum is not absolutely necessary. In what may be called the most democratic form of this plan, the bill, accompanied by the requisite petition, is filed with the proper officer, who thereupon submits it for ratification at the next election. If approved, it becomes a law without further legislative action. If carried to its logical extreme, this plan might do away with the legislature entirely; but at present it is intended to be employed in emergencies only, when legislative action cannot otherwise be secured.

Where the bill is first presented to the legislature for its action, two plans are proposed. Ordinarily the bill must be adopted without amendment or it is treated as rejected and thereupon goes before the people for their action at the next election. According to the other plan, recently adopted in Maine and proposed in North Dakota, the legislature may propose an alternative bill, in which case both measures are submitted and the one receiving the highest vote becomes the law.

It is evident that the initiative and referendum are complementary. The referendum when used alone affords a check upon legislative action but does not provide for positive action by the people. The initiative when used alone is practically worthless. The combination of the two plans affords to the people both opportunity to disapprove all laws which they do not want and means to compel the adoption of laws which they do want.

The optional referendum supposes a willingness on the part of the legislators to allow the people to pass upon their work. It is thus useless as a check to unwise legislation. If the members of the legislature do not regard the rights of the people, if they enact unwise or dangerous laws, they will not give the people an opportunity to vote upon these laws. The optional referendum therefore will be used almost exclusively when the legislature desires to shift from its own shoulders the responsibility for a particular law. The obligatory referendum, on the other hand, is not open to these objections. It allows the voters, if they so desire, to bring to a vote and to reject any

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law which the legislature may propose. If the referendum is feasible, it thus affords a check upon unwise or improper legislation which the optional referendum does not afford.

In considering the value of the referendum, one of the principal tests which may be applied is to see whether the bills upon which it operates are ordinarily rejected. The referendum which habitually adopts laws, either because those which are brought under its operation by the petitions are those which are desired by the people or because the popular vote fails properly to express the best public sentiment, is useless. The state has been put to the trouble and expense of a referendum only to leave the matter exactly where it was before.

To the extent that bad laws consist in improper grants of power to special classes, the referendum may afford a wholesome check, and it is in this direction that most may be expected from it. The voters are much more ready to guard their interests when it is believed that valuable privileges or franchises are being given away than they are at any other time. But, as has been already indicated, in the modern state the number and importance of such laws is not great. The valuable franchises and grants of power are largely in the hands of the municipalities and smaller units. With the referendum in these cases we are not here concerned.

Where the legislature enacts improper laws for the benefit of one social class at the cost of another social class, the referendum may again be of benefit. An organized minority may control the election of a majority of the members of the legislature but may not be able to control the referendum vote; and in so far as this is the case, the plan would be a check upon improper laws of this kind. Whether such a minority would be able to control the popular vote depends upon the efficiency of the referendum as a registry of the best public opinion.

The tendency towards the more general regulation of affairs, and particularly of the business of the community, if an evil, would probably be little affected by the referendum. The great growth of law in this field, hasty and ill-considered as it sometimes may be, is undoubtedly the result of a demand on the part of the people. Few if any of the laws of this

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nature passed in the last ten years, which have given rise to the complaint of "over-legislation," would have been defeated if submitted to popular vote.

In order that the referendum may operate as an efficient check upon bad laws it must be intelligently directed. Those laws which need to be held up must be discovered before the end of the ninety days within which it is usually provided that the petition must be filed, and the requisite petition must be secured and filed within this period. If the referendum is to operate effectively in this regard, there must be a careful examination of the laws by persons who are interested in legislative matters and who are willing to scrutinize the acts of the legislature and to devote themselves to the task of securing the necessary petitions. In all probability only a portion of the bad laws will be discovered to be bad within the time limit. Unless the present means for the publication of our state laws are greatly improved, the public generally will be ignorant of the provisions of a large majority of the laws for a considerable period after their passage. It may be expected, therefore, that only those laws in which there is a very general interest, or which so affect the interests of particular individuals that they will make it their business to see that the petition is secured, will be subjected to the popular vote.

One very real danger must be noted. This is that the referendum may be used not only against laws which have been secured by an active and well-organized minority, and which subserve special or class interests, but also to suspend until the next general election laws which are really desired by the people. In order that the referendum may have any effectiveness the percentage of voters necessary to secure the popular vote cannot be very large. It must be a number which can be secured without any real difficulty within the limited time. This requirement makes it possible for special interests which are adversely affected by legislation to prevent its taking effect for a considerable period. That this objection is not fanciful may be seen in the experience of South Dakota last year. In that state petitions have been filed for popular vote upon three laws passed by the legislature of 1907. These laws are: an

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act extending to one year the period of residence necessary for securing a divorce, an act prohibiting the shooting of quail until 1912, and an act prohibiting theatrical exhibitions, circuses *etc.* upon Sunday.

After the referendum petition has been filed there is still the question of the efficiency of the popular vote. If the bad laws do not, on the whole, slip through unobserved and unchecked by petition, and if the plan be not used to suspend good laws, it is still necessary that it shall secure an expression of the best public sentiment.

Such data as we have show that the referendum vote will be comparatively small. The ordinary experience with these popular votes, either upon laws or upon constitutional provisions, indicates that the vote cast on such questions is usually much smaller than that cast at the same time for candidates for public offices. In an article by Philip L. Allen in the Boston *Evening Transcript* of May 23, 1906, figures were given showing the popular vote upon various laws or constitutional amendments. In the instances there cited, seventeen in number, the percentage of this vote to the simultaneous vote for public officers varied from seventy-eight to nineteen. In eight instances the vote was less than fifty per cent; in only six instances did it exceed sixty per cent. The vote at the special referendum election in Oregon, June 4, 1906, was considerably higher than this. The vote for governor in that year was 96,715; the vote upon the referendum measures, partly constitutional amendments and partly laws, varied from 83,899 to 63,749. The highest vote noted was that in which the constitutional amendment extending the suffrage to women was defeated.

The experience in Oregon seems to be exceptional. The large vote seems to have been due partly to the novelty of the legislative referendum and partly to the interest aroused in the "equal suffrage" campaign. This single instance has little weight as against the experience of various other states, in which observation shows that in the long run only about one-half of the voters who go to the polls will take the trouble to vote upon laws submitted to them.

These comparisons are made with the number who vote for

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public officers. If a comparison be made with the total number of the legal voters of the state, the results are much more striking. In an election which for some reason calls out a large vote, as in a presidential year, the total vote cast may run up to about eighty per cent of the voters. In Wisconsin, for instance, in 1904, the vote for governor was seventy-eight and seven-tenths per cent of the voters. In a year in which the general interest is not so great, as for instance in a so-called "off" year, the vote is regularly much smaller. In Wisconsin, in 1906, the vote for governor was fifty-six per cent of the voters. If only sixty to eighty per cent of the voters come to the polls, and if only about one-half of these vote upon referendum matters, even a unanimous vote in favor of a measure means its adoption by a minority of the legal voters of the state.

This does not necessarily condemn the referendum as a piece of legislative machinery. If those who vote are the most intelligent, if they express the best public opinion, if the influence of the uneducated and the corrupt is substantially eliminated, and if those who do vote upon the question vote with intelligence, we may still, in spite of the smallness of the vote, have conditions under which the referendum may be considered as an efficient aid to the work of the legislature.

Statistical studies as to the relative intelligence of the voters and non-voters upon referendum measures are unfortunately lacking. Perhaps in the future some investigation of this question may be undertaken. It would require an investigator with courage enough to make necessary but perhaps invidious distinctions between various voting precincts, in order to determine whether the vote upon a particular question came from the portions of the community which might be considered the most intelligent. For myself, I should not care to undertake such a task. I may, however, offer certain observations upon this problem from an *a priori* standpoint. There seems to be little reason to expect that the better element will vote any more strongly at a referendum than at a regular election. The "stay-at-home" vote would be the same in both cases. There is no indication that a referendum election tends to bring to the polls those who do not care to vote for the candidates for public offi-

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ces. The citizen who does not care to go to the polls and vote for governor would probably not be attracted thither by a chance to vote against a proposed law. If our present political agitation does not stimulate him to activity, there is little hope that additional demands upon his time would move him. It may also be questioned whether those who now neglect their political duties would be a desirable addition to a body of citizens voting upon a proposed law.

Taking those who do their duty in this respect, who regularly vote at the polls, may we assume that the portion of these electors which votes for or against pending laws represents the more intelligent or better element? It is commonly considered that much of the trouble encountered in the working of our present political system is due to the fact that those who ought to know better ignore their political duties. The more intelligent citizen, when he votes at all, is unfortunately too apt to confine his voting to the election of officers, and not infrequently he indicates his choice for only a portion of the offices to be filled. He does not come out to the primaries or to the caucuses. Can we then expect that the better element will constitute, or preponderate in, the body which votes upon pending bills?

What of the other sort of voter, the man who votes at least as often as the law allows, who does as he is told and who furnishes the strength of the machine? Voting on a few laws would offer no terror to him. He could quickly learn where to make the additional marks upon the ballot, and he would remember what was expected of him. There would therefore seem to be little hope that the vote on a law would express any higher public opinion than the vote for the members of the legislature.

In order that the referendum may be a success, it is not only necessary that the voter should be intelligent but that he should vote intelligently. The one does not follow from the other. Intelligent voting demands a thorough knowledge of the subject to be voted on, and it requires a careful study of the proposed bill. In order that one who is to vote upon a pending measure, whether he be a member of the legislature or a legislator under

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the referendum, may do so properly, he should have made a thorough examination of the proposed legislation in all its various aspects; he should have at his command the reasons for and against the pending bill; he should be ready and willing to listen to argument both from those who favor and from those who oppose the measure; and he should be in a position, when the time comes for voting, to cast his vote with an entire appreciation of its effect.[1] It may be objected that this is an ideal not reached by the members of our legislatures. In most cases, this is undoubtedly true. It is, however, an ideal which we may place before our legislators and towards which all other legislative reform should tend. It is not an ideal which the voter under the referendum may hope to attain or even approximate. If we admit, as I think we must, that the proper goal of legislation is a better and more intelligent consideration of pending measures, we must acknowledge that the referendum brings us no nearer that goal. In fact, it probably takes us in the other direction. The consideration which the vast majority of voters can give to a measure submitted to them is necessarily hasty and superficial. A careful examination of even a few laws, in the manner which I have indicated as necessary for a proper appreciation of the effect of one's vote, is impossible to practically every person outside of the legislature. The ordinary voter has little or no time to give to the examination of bills which may be presented to him. If he has the time, he seldom has the facilities for obtaining the information which is needed if he is to vote in a proper manner. Comparatively few voters possess the information which is necessary for an intelligent judgment regarding the numerous candidates and issues of our various elections. Until the voters meet these existing obligations imposed by our political system, obligations which cannot be done away with by any system of initiative or referendum, we should hesitate to place new burdens upon them.

The referendum tends to place the emphasis at the wrong end of the legislative work. If we elect good men to the legis-

[1] The most serious efforts to instruct the voters regarding measures submitted to them have been made in Oregon. See G. H. Haynes, "The Education of Voters," in POLITICAL SCIENCE QUARTERLY, XXII (1907), 484–497.

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latures the need of checks of this kind will largely pass away. The agitation for the referendum has been to a considerable extent due to the failure of the voter properly to perform his duties as an elector. However numerous and complex the causes of this failure may be, one cause which has been very potent is the public indifference to caucuses and elections. If this public indifference continues, we cannot expect that the referendum will be successful. With this indifference removed, the need for the referendum will no longer be so apparent.

An interest in referendum measures can never be a substitute for an interest in elections. The referendum is exceptional. It can never be expected to operate upon more than a few of the many laws enacted. The bulk of our legislation must continue to proceed from our legislatures, unchecked by the referendum. The referendum is then a method of legislation which can affect only a small fraction of the laws, and it depends for its efficiency upon conditions which, if realized, would make its employment largely if not entirely unnecessary.

The initiative, as has already been noted, is the complement of the referendum. It presupposes a failure of the legislature to act or to act properly upon a question where legislative action is needed. The bill proposed by a certain number of voters presents to the legislature evidence of a popular demand for its action. If the legislature conceives that this demand is well founded and that the bill submitted provides a satisfactory method of meeting the demand, it enacts the bill into law. If it does not approve of the demand or of this particular expression of the demand, it rejects the bill, which then goes before the people for a referendum vote.

Against the initiative, as far as its referendum feature is concerned, the same objections may be made as against the referendum when used alone. The popular vote upon a bill proposed by the initiative would be no better and no worse than on a bill passed by the legislature. The initiative would, however, add to the number of bills to be voted on and would thus decrease the attention which the voters could give to each one.

What sort of bills may we expect to see proposed under the initiative? It is not especially important to determine whether

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they will be conservative or radical. If the system is worthy of adoption, undesirable bills will be eliminated by the referendum. The question is as to the form of the bills. Is it to be expected that they will be so worded as to accomplish the desired ends?

The importance of a proper form of law is apparently little appreciated. It is easy to say that we will regulate the railroads or the telephone companies. It is harder to determine the extent and details of such regulation. It is even harder so to work out the proper expression of the principles we have adopted that the plan will not miscarry. It was said by Austin, in his *Jurisprudence:*

> I will venture to affirm that what is commonly called the *technical* part of legislation is incomparably more difficult than what may be called the *ethical.* In other words, it is far easier to conceive justly what would be useful law, than so to construct that same law that it may accomplish the design of the lawgiver.

The same idea was expressed by a legislator, who told me: "When I first came to the legislature I introduced a bill to prohibit the manufacture of filled cheese. It would have done it, all right, but it would have prevented the manufacture of all other kinds of cheese, too!"

Practically every bill which comes before an American legislature is originally introduced in such form that its passage would be extremely unfortunate. It is probably not too much to say that nearly all bills are, in their original form, crude and unworkable. These bills—and the same would be true of those proposed by initiative petition—are the product of one man or of a small group of men. Even when based on a careful and conscientious study of the subject, they have the shortcomings inevitable from the limitations surrounding their origin. Before they can even approximate perfection, they need the public discussion, the criticism of opposing interests, the suggestions of foes as well as of friends. The process of amendment and reamendment, which is possible only in a legislature, is necessary to the normal growth of a bill into a law.

Every subject of importance is apt to be covered by several bills. None of these is perfect; each probably has something

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of merit. In the legislature, these bills can be considered together; the good portions of each can be accepted and the bad rejected. No such procedure can be followed in the case of initiative measures. If several similar bills are proposed by petition, they cannot be amended and combined. One must be selected and the others rejected, unless, as is entirely possible, more than one act dealing with the same subject is adopted by the popular vote.

The failure of the referendum to afford opportunity for adequate discussion has already been noted. This defect will be felt much more keenly in the case of bills proposed by initiative petition than in the case of bills which pass the legislature in the regular way before they are submitted to the referendum. In the latter case, discussion in the legislature enables that body to bring the bill into something like proper shape. In the former case all the advantages of such discussion, all the suggestions to be derived from the arguments of interests adversely affected by the bill, all the amendments that might be made by parties interested in its passage, are lost. Intelligent legislation is not promoted by a system which treats a bill, in the shape in which it is presented to a legislature, as a finality.

An illustration of the difference between initiative and regular legislation is found in the "anti-pass" law of the state of Oregon. In 1906 a bill covering this subject was submitted by initiative petition and was adopted by a vote of 57,281 for and 16,799 against. This bill was so poorly worded that, upon a literal reading, it forbade a railroad from issuing passes to its own employees but allowed it to issue them to the employees of other roads. Fortunately the act was not effective, because of the absence of an enacting clause. The legislature of 1907 passed a general railroad law in which the subject of passes was covered in a proper and intelligible manner.

The failure of the initiative to afford opportunity for amendment is met to some extent in the system adopted in Maine and pending in North Dakota. In these states, the legislature may reject the initiative bill and propose a substitute. In such a case both bills are submitted to popular vote, and the voters are called upon to choose between them. This device enables the legisla-

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ture to correct faults in the proposed legislation. The substitute will undoubtedly be far superior to the initiative bill. The existence of the two bills will, however, complicate greatly the work of the people. The voting upon a single bill is difficult enough; the choosing between competing bills will be much more difficult.

The most that can be claimed for the initiative is that it forces the legislature to act. The laws resulting from this coercion will in most cases be crude and unscientific. From the point of view of the improvement of our legislation in the matter of form, they will mark a long step backward. Unless the force of public opinion is insufficient to bring about needed legislation through the regular channels, the initiative cannot be considered desirable.

No statistics are available, nor is it easy to conceive how statistics could be secured, showing operation of public opinion. I believe, however, that wherever there exists in favor of a measure a public opinion strong enough to ensure the preparation of a bill, to secure the necessary signatures to an initiative petition and to effect the adoption of the bill by popular vote, the same result will be obtained, and on the average more quickly, through the regular legislative processes. The recent laws for the regulation of railways, the laws affecting public-service corporations in New York and Wisconsin, the restrictions imposed on insurance companies, are among the many evidences of the power of public opinion. Indeed, some think that the passage of two-cent-fare laws has shown that the legislatures are too responsive to public opinion.

The members of the legislature are in a very direct sense responsible to the people. It is true that the "boss" has frequently dictated nominations and controlled elections. Under such circumstances the legislator may care little about public opinion. This situation is, I think, not the result of any defects in our legislative system but of public indifference. When the public takes an interest in the work of the legislature, it will take an interest in the persons nominated and elected to the legislature. When this latter interest is manifest, the members will respond to the wishes of their constituents. Until such an interest is taken, the initiative and the referendum will be useless.

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After the initiative bill becomes a law by popular ratification, it occupies a somewhat peculiar position. It is, under all the plans proposed or in operation, subject to amendment or repeal like any other act. It would, of course, be possible to give such a law a higher status by providing that it should be repealed or altered only by popular vote. The wisdom of such a solution may be doubted. Legislation, and particularly the advanced legislation which would probably result from the initiative, is experimental. It is apt to need frequent adjustment to changing conditions or to unforeseen exigencies revealed in its practical operation. A plan which would prevent the amendment of an initiative law by the legislature would deprive our laws of a very necessary flexibility. On the other hand, if authority is left in the legislatures to amend or to repeal acts of popular legislation, many of the alleged merits of the initiative are lost. If the legislature needs to be coerced into enacting a law, if it acts only under compulsion, it may take the first opportunity to repeal or at least emasculate the law which has been forced upon it. This may be considered an overdrawn picture, but it must be remembered that the initiative is based upon the assumption that the legislature is not to be trusted.

Such a legislature, however, is more likely to pursue a different course. As we have already seen, the law passed by the aid of the initiative and referendum is apt to be crude in form. If left unaltered it tends, even if it be not absolutely unworkable, to discredit the perhaps excellent principle embodied in it. The hostile legislature then needs only to let it alone. This is very easy. The plea that the law is not to be amended by the legislature, that the sovereign people have spoken and that their mandate must be obeyed literally, will often be heard. This specious plea is one which a legislature will be quick to use, if it desires to discredit a good principle embodied in a bad law.

One other and very fundamental objection may be made both to the referendum and to the initiative. They tend to weaken the sense of legislative responsibility. With the referendum the legislator does not vote for or against a bill, he votes to give the people an opportunity to vote on it. He does not need to ex-

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press his own opinion. He may say that his views are immaterial, that even if he is opposed to a bill it would be unjust to refuse to allow the people a chance to express themselves. This feeling will affect his attitude towards all bills, irrespective of the question whether they are actually to be subjected to a referendum vote. Every bill may be thus subjected, and if no petition is filed concerning a particular measure, the people may be considered to have ratified it. They have had the opportunity to act, and if they remain quiescent the responsibility for the bill rests with them, not with the legislature.

The initiative would also shift responsibility. If new laws are needed, they may be submitted by the initiative petition. If the legislators do not propose the measures needed, they are not to be blamed. The failure of the people to use their initiative indicates that they do not desire action upon the matter.

The diffusion of responsibility which would result from shifting the burden of legislative reform from the few to the many is in direct opposition to the teachings of political experience. The way to get good government is not to scatter the responsibility among a number, so that each can dodge the blame if the work goes ill or claim the credit if it goes well. The approved way is to make each responsible for his appointed task and to hold him rigidly to that responsibility.

Progress in legislative reform is to be attained, I believe, not through any radical change in our system of representative government, but rather through the selection of better men as members of our legislatures, through improvement of the machinery of legislation, so that the members will know what they are doing, and through a diminished demand for prompt legislative action in every social emergency, real or fanciful. If legislation can be confined to the matters in which it is really required, our legislators will have time to do their work in workmanlike fashion.

JOHN BELL SANBORN.

MADISON, WISCONSIN.

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INSTRUCTION IN PUBLIC BUSINESS

ACADEMIC orators, reform agitators, religious preachers and teachers and other prompters of civic conscience are constantly urging young men to "go into politics." Because this appeal stirs profound emotions of patriotism and religion, it is always effective for the moment, particularly with the college man whose knowledge of history and literature, science and athletics, makes him susceptible to the argument that personalities enriched by college culture owe a special duty to the state. To many college men success in politics means a place among the governors and justices whose portraits line the capitol's rotunda, or the winning of oratorical triumphs or strategic victories on the stump or in legislative halls, or making the winning play at critical moments in humanity's struggle for self-government. This alluring picture draws many into the vortex of practical politics. Others enter with less definite anticipation, from love of struggle, the craving for excitement or the desire for diversion. Others, again, sincerely feel in duty bound to go into politics, because they regard themselves and are regarded by their communities as trustees of culture, knowledge, honesty, high motive, and of that "true conception of the spirit of democracy," which the head master of Groton recently defined as working for, rather than working with or through, less favored citizens. If the college man resists the appeal to go into politics, he defends his apparent neglect on the ground that in politics honesty and culture are at a discount. He finds compromise of principles distasteful and the legalized compensation too slight and too precarious. Moreover the public requires from the college man too long a period of apprenticeship before it calls on him to lead, and it is as fickle in continuing its favors as it is chary of granting them.

Academic instruction has been influenced by the college man's picture of politics and by his reasoning about politics. History, like football, is more interesting when the play is "open." Courses in history and in politics have naturally

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emphasized leading personalities and dramatic issues, and deductions as to the college man's duty have been drawn from his alleged superiority, especially from his trusteeship of culture.

The after-college relation to politics has been similarly influenced by the tradition and the teachings that regard government as a sequence of personalities rather than a sequence of acts. Personal considerations and the influence of other personalities have kept the great majority of college men out of politics and have rendered the actions of those who enter politics singularly like the actions of less favored men whose only school has been that of machine politics. So desultory and so ineffective have been the attempts of college men to organize their superiority and their consciousness of extra obligation, that one of their leaders ironically suggested a precaution taken by certain mediæval law-makers on the coast of France: "Any one who wishes to pilot a ship into port may do so if employed by shippers; but any pilot who fails to guide his charge safely must forfeit his life." Few college men will deny to-day that American municipalities have received infinitely less help from college men and college instruction than the needs of the city and the opportunities of college and university make desirable. Political coöperation requires team work, not all-star aggregations. The college man's culture has not been negotiable. The intelligence which he has failed to bring and which alone is immediately serviceable in politics is intelligent comprehension of community needs and governmental acts.

The Bureau of Municipal Research has gladly accepted an invitation to give at Columbia University a course in Public Business, because it wishes to test the effect upon college students of emphasizing acts rather than personalities, administration rather than legislation, needs rather than theories and results rather than political speculation. New York City has only one mayor, but it has 70,000 employees. Election comes once a year, administration consists of a million daily acts. To try to understand public business without appreciating the continuity of social needs and of public acts, to regard government as a thing set going once a year or once every few years, is to ignore the real meaning of the old saying: "The king is dead; long live the king."

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The time seems ripe for adding to the college curriculum courses in governmental acts and methods, for in all parts of the country citizens are asking for men who can put into operation the ideals of college men. Moreover, ability to do is recognized as never before, and promises to become a close rival to ability to talk about what ought to be done. Efficiency is beginning to win prompt promotion in the national government. Men are working their way into cabinet positions because of ability to see, to understand and to guide acts, not because of college connections, travel or good fellowship. In the consular service, the State Department puts a premium on men who can do definite important acts or cause them to be done, and who can acquire and record definite information about things and acts. The defects of the civil service are due not to the application of tests to determine efficiency but to failure to apply relevant tests and to provide for a continuous comparison of requirement with accomplishment in order to prove continuing fitness. Even in the selection of a president stress is laid to-day on the fact that one candidate can point to efficient administration of many posts, while another, as he himself laments, has not been given opportunity to prove his ability to cope with conditions and to attain results.

If academic instruction is to increase the fitness of college men for public service it must exchange the injunction, "go into politics," for "participate in government." Government is a matter of conditions, methods, acts and results, not a mere matter of theories. Conditions are objective; they can be seen, analyzed, understood, directed, changed. To adjust and control conditions requires knowledge of their component parts and interrelations. This knowledge requires that the college man shall learn: (1) how to study community needs; (2) how to study official acts; (3) how to devise and manage the governmental machinery that is necessary to give effect to the wishes of the community; and (4) how to frame official reports that shall make this machinery intelligible and show in what measure the desired results are being attained. None of these essentials to knowledge can be found in existing texts, because mechanisms do not do what they are designed to do, nor do

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records of work done and money spent tell a legible or complete story. Extra-constitutional agencies thwart or pervert constitutional provisions. Descriptions of charters and municipal systems mislead because they do not mirror the actual conduct of official business.

As to the results that may be attained by such university lectures as it is preparing to deliver, the Bureau of Municipal Research confesses to no little optimism, because its own experience, as a non-official fact gatherer, in securing the coöperation of college graduates entrusted with large responsibilities in government, in journalism and in philanthropy seems to prove that individuals and communities will give attention to government in direct proportion as they see clearly the needs, the methods and the results of community coöperation.[1] The Bureau of Municipal Research was organized January 1, 1906, as the Bureau of City Betterment, and was incorporated May 3, 1907, under its present title, with an executive staff of three. From the outset Mr. Henry Bruère has been its director. Its purposes are defined in its charter as follows:

> To promote efficient and economical municipal government; to promote the adoption of scientific methods of accounting and of reporting the details of municipal business with a view to facilitating the work of public officials; to secure constructive publicity in matters pertaining to municipal problems; to collect, to classify, to analyze, to correlate, to interpret and to publish facts as to the administration of municipal government.

It has at present (October, 1908), a staff of forty-five, to whose training a score of colleges and universities have contributed; and the work is carried on under the general guidance of a board of trustees composed of seven men who for years have been identified, as students and workers, with local and national efforts to solve municipal problems.

[1] The Bureau is located at 261 Broadway, New York City, and will be pleased to receive suggestions from those in charge of university instruction in the social sciences as to advisable modifications of the tentative outline of lectures which is printed at the close of this article. It will also welcome information as to localities in special need of municipal research.

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It may be of interest to reproduce a circular recently sent out by a group of Philadelphia business men, all college graduates, for the purpose of raising funds for research work in that city —work which, it is hoped, will aid in educating the entire community in the problems of government:

1. Money enough is being spent by American cities to secure efficient government.

2. Inefficient government causes more corruption, sickness, dependency and delinquency than any other anti-social factor.

3. Inefficiency of government is primarily due to badness of methods rather than to badness of men.

4. Efforts to correct misgovernment have too frequently failed, or have had only passing success, because men not methods were changed or attacked.

5. Continuing knowledge of acts is infinitely more effective than election excitement.

6. Public interest in so-called good government must be sustained, not by scandal regarding personalities, but by reiteration of facts as to acts committed and community needs not met.

7. City employees and city funds should work with such methods that they will themselves reiterate truth regarding work done and money spent, and work not done that ought to be done.

8. The Bureau of Municipal Research (New York) was organized in 1906 on the foregoing principles, and has accomplished noteworthy results by emphasizing methods not men, acts not personalities.

9. Officials and press have coöperated with the highly trained men of the Bureau of Municipal Research in committing city officials to:

> A city budget that tells clearly for what purposes money is voted; a resolution making impossible transfers from purposes mentioned in the budget to other purposes, without special authority; uniform accounting for all departments; adequate service records to describe work done when it is done, with periodic summaries; reorganization from top to bottom of the department of finance so that expenditures, revenues and service rendered shall be currently audited and controlled; removal of one borough president; investigation by the commissioners of accounts that may cause the removal of another borough president; initiative by private individuals leading to the resignation of a third borough president; important changes of method in all boroughs; reorganization of the

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commissioners of accounts office, previously a whitewashing body, until it is equipped to provide efficient continuing audit and examination of all departments; public transactions being forced into the light, "good motives" are strengthened and "bad motives" are weakened, thus making the informed sentiment of even the minority effective in preventing inefficiency and corruption.

10. Other cities are asking the Bureau of Municipal Research to coöperate in making similar efforts to improve their methods of government. A permanent foundation is needed for training men and setting up scientific standards for coöperation of citizens and officials.

The Bureau has not attempted in any of its publications to summarize all of its activities and investigations. In its reports, however, it tries not only to state clearly the results of its inquiries, but to show, step by step, the methods used in arriving at those results. It has had in mind, from the first, the probable use of its reports by university lecturers and students, by special students working in public libraries, and more particularly by officials and civic leaders in other cities who desire to study their own municipal governments and to adopt methods by which they may currently inform themselves as to local needs. The complete list of the Bureau's reports has not hitherto been published except on the back covers of the reports themselves, which of course have had a small circulation among a special class. It is thought desirable, therefore, to subjoin a list of these publications, including those that are still in preparation, and to add a brief statement of the results of the studies described.[1]

[1] The Bureau cannot offer to send its reports free to instructors or even to libraries. It is glad, however, to send them to all applicants at cost plus postage.

REPORTS, JANUARY, 1906, TO SEPTEMBER, 1908.

Some Phases of the Work of the Department of Street Cleaning. This report pointed out that defective organization, not corruption, was the real cause of the troubles encountered.

City Owned Houses. This led to the appointment of a commission to devise a method of abolishing and preventing the recurrence of the unsanitary and illegal conditions found in tenements owned by the city.

Salary Increases not Provided for in Budget. This led to the appointment of a commission to standardize salaries and grades.

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During the past autumn, the Bureau of Municipal Research organized, in New York City, a public Budget Exhibit, which attracted much attention not only in New York but throughout the United States. Its purpose was to illustrate the methods pursued by the Bureau, and to bring home to the taxpayers their individual responsibility for the conduct of municipal government. The Exhibit was located in lower Broadway, and was kept open from October 5 to November 2. Daily meetings were held with an average attendance of over 2000. Numerous civic bodies contributed photographs and charts, and several city departments participated by exhibits and by noonday speeches. The last address was given by Governor Hughes, on "The Right to Efficient Government." The intelligent interest taken by taxpayers and the use made by classes in civics from colleges and high schools, as well as by ministers and editors, of the Bureau's graphic presentation of budget alternatives exceeded all anticipations.

If university and college teachers and students become inter-

Inefficiency of Inspection of Combustibles. This led to the dismissal of the superintendent.

The City of New York, the Street Railroad Companies and a Million and a Half Dollars. This led to the establishment of a special bureau in the city's law department to take up and press the claims of the city against street railway companies for paving done at the public's expense between the companies' rails.

How Manhattan is Governed. This led to an investigation by the commissioners of accounts, upon whose findings the City Club submitted to Governor Hughes charges against the borough president and demanded his removal. The president was removed for gross inefficiency, "albeit no proof exists of personal dishonesty." The Board of Aldermen promptly reëlected him. The legality of their action is now before the courts. From the point of view of the Bureau it is as important to have doubtful points of law interpreted as to have inefficient officials removed.

Analysis of the Salary Expenditure of the Department of Health of the City of New York for the Year 1906. This led to the adoption by the Board of Aldermen and the Board of Estimate and Apportionment of the principle that future budgets shall clearly indicate for what specific purposes moneys appropriated are to be expended, and further, that moneys may not be diverted to other purposes than those advertised, without permission from the Board of Estimate and Apportionment.

Making a Municipal Budget: Functional Accounts and Records for the Department of Health. This led to important changes in the administrative methods of the Health Department and to entirely new forms of record and report, intended to emphasize work not done and needs not met.

A Department of Municipal Audit and Examination: Report on the Office of Com-

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ested in the movement, it will secure the permanent support of coming generations of college-bred men. With the aid of the universities and colleges, and of their graduates, it should be possible to establish such an endowment of municipal research as to ensure the maintenance of the highest standards of governmental efficiency. With this end in view, the Bureau looks forward with high anticipation to the coming conferences between its officers and the students of Columbia University. It hopes to learn how an endowed bureau of municipal research may most efficiently coöperate with universities and colleges in preparing college men for the double rôle of efficient citizen and efficient leader. Municipal research will need scores, probably hundreds of trained men within a few years. The Bureau is anxious to learn how its experience may best be recorded for investigators and teachers, so that they can use the results for lectures and for class-room and reference work. It is in the hope that advice and suggestions may be elicited, that the following syllabus of lectures is appended.

missioners of Accounts. As a result of this report the office was reorganized by the commissioner, with the approval of the mayor, and has since become one of the chief educational agencies of the city.

The Park Question, Part II: Critical Study and Constructive Suggestions Pertaining to Revenue and Deposits of the Department of Parks, Manhattan and Richmond. This study, recently published, shows how revenue not collected is intimately related to unnecessary taxes and concealed inefficiency.

Memorandum of Matters relating to New York City's Debt that Suggest the Necessity either for Judicial Ruling or for Legislation. Just published: a valuable handbook for the study of other cities.

A Bureau of Child Hygiene: Cöoperative Studies and Experiments by the Department of Health of the City of New York and the Bureau of Municipal Research. Foreword by Hon. Thomas Darlington, Commissioner of Health. This has led to entire reorganization of work for the physical welfare of school children and summer care of babies.

REPORTS IN PROGRESS, OCTOBER, 1908

The Park Question, Part I: Critical Study and Constructive Suggestions pertaining to Administrative and Accounting Methods of the Department of Parks, Manhattan and Richmond.

Control of Water Revenues.

Administration of the Department of Water Supply, Gas and Electricity.

Real Estate Transactions, Department of Finance.

Tenement House Administration.

Bureau of Supplies and Repairs, Department of Police.

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THE ADMINISTRATION OF PUBLIC BUSINESS[1]

PART I: PRINCIPLES OF PUBLIC ADMINISTRATION

I. The problem of effective administration is the problem of effective control.
   (*a*) A general statement of the problem of administration.
   (*b*) The meaning of control.
   (*c*) Elements common to both public and private business.
   (*d*) Points of difference.

II. Forms of control provided by corporate organization.
   (*a*) Forms of electoral control: petition, ballot, initiative, referendum, recall, citizen inquiry.
   (*b*) Forms of representative control: legislative, financial, inquisitorial.
   (*c*) Forms of administrative control: appointment, removal, administrative direction.

III. The exercise of effective control depends on intelligence.
   (*a*) Democratic government is essentially one of voluntary coöperation.
   (*b*) Intelligent coöperation is possible only when citizenship is informed.
   (*c*) The exercise of intelligent judgment concerning any concrete problem presumes exact knowledge.

IV. The function and possibilities of electoral control and the information necessary to make it effective.
   (*a*) What the citizen may do when informed.
   (*b*) What information is necessary to make petition effective.
   (*c*) What information is necessary to make the ballot effective.
   (*d*) What information is necessary to make the initiative effective.
   (*e*) What information is necessary to make the referendum effective.
   (*f*) What information is necessary to make the recall effective.
   (*g*) What records are necessary to make citizen inquiry effective.

V. The function and possibilities of representative control and the information necessary to make it effective.
   (*a*) What representatives may do, if informed.

[1] Twenty-eight lectures, to be given at Columbia University, in the spring of 1909, by Henry Bruère, Director, Frederick A. Cleveland, Technical Director, and William H. Allen, Secretary of the Bureau of Municipal Research. Part I is to be given by Mr. Cleveland; Part II, by Mr. Allen; Part III, by Mr. Bruère.

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(*b*) What information is necessary to make the legislative powers effective.

(*c*) What information is necessary to make the financial powers of representatives effective.

(*d*) What records are necessary to make inquisitorial powers effective.

(*e*) Who is responsible if such information is not available.

VI. The function and possibilities of administrative control and the information necessary to make it effective.

(*a*) What administrative officers may do if informed.

(*b*) What information is necessary to make the power of appointment effective.

(*c*) What information is necessary to make the power of suspension and removal effective.

(*d*) What information is necessary to make official direction effective.

(*e*) Who is responsible if such information is not available.

VII. The means of obtaining the information required for purposes of control.

(*a*) The function of inspection.

(*b*) The function of accounting.

(*c*) The function of audit.

(*d*) The development and use of operative service records.

(*e*) The development and use of reports.

VIII. Technique and mechanical devices to secure efficiency, economy and directness of administrative control.

PART II: SPECIAL AGENCIES, PUBLIC AND PRIVATE, DEVELOPED TO PROMOTE THE APPLICATION OF BUSINESS PRINCIPLES TO PUBLIC ADMINISTRATION

I. National public agencies.

(*a*) The Keep Commission.

(*b*) The Association of Treasury Department Employees.

(*c*) The National Census Bureau.

(*d*) The League of American Municipalities.

(*e*) The National Association of Comptrollers.

II. National private agencies.

(*a*) The Bureau of Municipal Research.

(*b*) The National Conference of Charities and Corrections.

(*c*) The National Municipal League.

(*d*) The National Prison Congress.

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III. State agencies, public and private.
  (*a*) To promote uniform accounts.
  (*b*) Legislative commissions.
  (*c*) Public-service commissions.
  (*d*) Private agencies.
IV. Public municipal agencies.
  (*a*) Boston's finance commission.
  (*b*) New York's commissioners of accounts.
  (*c*) Municipal bureaus of statistics.
V. Non-official influence upon municipal business.
  (*a*) Agencies attempting to influence public policy.
    (1) Political parties.
    (2) Taxpayers' associations.
    (3) Boards of trade.
    (4) Charitable and religious bodies, including social settlements, child-labor committees, *etc.*
    (5) County, state and national conferences of non-official bodies.
    (6) County, state and national conferences of municipal officials.
    (7) The press.
  (*b*) Dangers when volunteer agencies are uninformed.
  (*c*) Importance of records and reports for informing non-official bodies.
  (*d*) Advantage of records and reports that show whether non-official bodies urge or oppose acts that further or injure the interests of the whole community.
VI. Significance of citizens' rights to inspect all public records.
  (*a*) History of this right.
  (*b*) Its legal limitations.
  (*c*) Its educational and political possibilities.
  (*d*) Its relation to adequate business methods.
  (*e*) The responsibilities which it imposes.

PART III. URGENT MUNICIPAL PROBLEMS TO BE SOLVED BY THE APPLICATION OF BUSINESS METHODS

I. Shall business be centralized or decentralized?
  (*a*) Central administration of contracts and purchases.
    (1) Purchasing agency.
    (2) Real estate bureau.
    (3) Inspection.

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(4) Bureau of standards.
(5) Price current bureau.
(6) Contract bureau.
(7) Depository of supplies.

(*b*) Central administration of fiscal and financial relations.
(1) Revenue collections, licenses, concessions.
(2) Disbursements.

(*c*) Operative functions not usually centralized.
(1) Construction.
(2) Supervision of public buildings.
(3) Control of streets.
(4) Repair shops.
(5) Hospital service.
(6) School administration.

(*d*) Centralization of professional services.
(1) Legal.
(2) Medical.
(3) Chemical.
(4) Engineering.
(5) Accounting and auditing control, as through New York City's commissioners of accounts.

(*e*) Bureau of statistics.

II. Municipal industry.
(*a*) Conditions necessary to success.
(*b*) Facts essential to truthful statement of results.
(*c*) Dangers peculiar to municipal corporations.

III. Constructive and protective policies that depend upon efficient accounting of public debt.
(*a*) Debt limit.
(*b*) Sinking fund.
(*c*) Use of long term bonds.
(*d*) Use of short term loans.
(*e*) Interest of bondholders in business methods.
(*f*) Registration of municipal bonds.

IV. Charter making in its relation to municipal business.
(*a*) Function of charter.
(*b*) Fallacy of basing each charter on other charters.
(*c*) Importance of basing each charter on community needs.
(*d*) Efficient business methods show community needs.
(*e*) How functions, needs and organization may be charted.
(*f*) Superiority of the simple charter, defining powers, to be sup-

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plemented by the municipal code showing how powers are to be exercised.

(*g*) Minimum provisions regarding business methods.

(*h*) Recent tendencies.

(1) Recognition of expert service.

(2) Substitution of small executive commissions for large legislative-executive bodies.

(3) Recall, referendum, initiative.

(4) Long terms for leading officials.

(5) Increase in local autonomy.

(*i*) Danger of exaggerating possibility of efficient public business without intelligence on the part of the public as to methods, acts, results and needs.

V. Civil service.

(*a*) Obstructions to efficiency.

(*b*) Modifications necessary.

(*c*) Importance of service records to establish evidence of inefficiency.

VI. Making an annual budget.

(*a*) To enable the community to determine governmental policies.

(*b*) To enable fiscal authorities to control finances.

(*c*) Importance of classifying appropriations according to operative functions.

(*d*) Importance of segregating appropriations according to operative functions.

(*e*) Importance of publicity of requested transfer from one budget appropriation to another.

(*f*) Importance of public hearing of citizens on final budget in addition to public hearings upon budget estimates.

As has been said already, this outline of a subject not previously treated, or at least not treated from a similar point of view, in academic instruction in the United States, is necessarily tentative, aud the Bureau will welcome suggestions for its improvement.

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FEDERAL QUARANTINE LAWS

AMONG the contributions which America has made to the science of jurisprudence is the idea of a dual or federal organization of government, in which both the general and the local governments act directly on the individual. It has embodied this idea in an actual system, and, though the workings of this system have not always been above criticism, it has in many ways served a useful purpose. Had the theory of the indivisibility of sovereignty possessed supreme sway, it is practically certain that no general government of substantial powers could have been created; for in the then prevalent confusion of sovereignty with government, such a government would have seemed sovereign, and so great was the prejudice against sovereignty at a distance that the people would not have consented to the creation of a governmental system in which the states themselves could not be regarded as sharers. They believed, and believed thoroughly, in government "close home." And hence, in what they conceived to be their most vital interests, they insisted that the major portion of political power be left to the local governments.

It is therefore not surprising that, at the beginning, the states should have believed and acted upon the belief that the protection of public health was entrusted to them; that whatever quarantine laws there might be must be state laws. The steps in the movement away from this position constitute a very interesting chapter in the evolution of our ideas of constitutional interpretation. They mark a slowly changing conception of the relative importance which should be attached to theory as compared with expediency in determining the spheres of federal and state activity. Theoretical notions have gradually been forced to give way before the logic of facts.

The development of federal control over quarantine has been very gradual. Briefly stated, the stages in the process have been as follows: (1) exclusive state control; (2) moral support by

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the federal government; (3) appropriations from the national treasury in aid of state quarantine regulations; (4) a federal system of quarantine as applied to foreign commerce; (5) extension of the federal quarantine system to include interstate commerce.

Until 1796 there was no federal quarantine law. Whatever legislation there was upon the subject proceeded from the states. An epidemic of yellow fever in that year proved that the quarantine regulations provided by the states were grossly inadequate. The realization of this fact created an appreciable sentiment in favor of a national system. In response to this sentiment, a bill was introduced giving the president power to declare and enforce quarantine regulations of foreign commerce. This measure was opposed upon two grounds: (1) that it conferred upon the president powers of legislation; (2) that it interfered with the police power of the states. The first of these objections has good ground upon which to rest; the second has not. The Supreme Court of the United States has since had an opportunity to rule upon this very question. In the case of Morgan's Railroad and Steamship Company *v.* Louisiana,[1] the court said:

> Whenever Congress shall undertake to provide for the commercial cities of the United States a general system of quarantine, or shall confide the details of such a system to a national board of health, or to local boards, as may be found expedient, all state laws upon the subject will be abrogated, at least so far as the two are inconsistent.

That the police power of the states may not stand in the way of federal regulation of interstate or foreign commerce has been decided in the case of Gibbons *v.* Ogden[2] and in that of Henderson *v.* The Mayor.[3] In 1796, however, these arguments aroused sufficient prejudice against the measure to bring about its defeat by a vote of 46 to 23. It was, however, passed in an emasculated form. As passed, it simply gave the president power to proffer assistance to the states in enforcing their quarantine laws, if they had any, but it made no appropriation

[1] 118 U. S. 455. [2] 9 Wheaton, 210. [3] 92 U. S. 272.

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to enable the president to render assistance, in case he should see fit to offer it and some state should condescend to accept the offer. This sham provision was, very properly, short-lived.

In 1799 the above law was repealed, and a far more effective measure was put in its stead. This statute, which is still a part of our quarantine laws, provides that the customs officers and the masters and crews of revenue cutters shall conform to the quarantine and health laws of any state and shall aid in their execution as directed by the secretary of the Treasury. It provides for the unlading of vessels in case the port of entry for which they are cleared is quarantined; for the erection of suitable warehouses in which the merchandise from vessels subject to quarantine may be deposited; for the removal of goods from such warehouses under direction of the secretary of the Treasury; for the removal of revenue officers from a port of entry in which there is a contagious or epidemic disease to some more convenient place within, or as near as may be to, such collection district, public notice of such removal to be given by the secretary of the Treasury or the first comptroller; for the removal, under direction of the president, of public offices from the capital, in case of the prevalence of a contagious or epidemic disease therein; and for the adjournment of the Supreme Court, under like circumstances, under direction of the chief justice. Like power is given to judges of district courts under like circumstances.[1]

[1] Statutes at Large, 619. An Act respecting Quarantine and Health Laws. The text of this act is as follows:

"Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the quarantines and other restraints, which shall be required and established by the health laws of any state, or pursuant thereto, respecting any vessels arriving in, or bound to, any port or district thereof, whether from a foreign port or place, or from another district of the United States, shall be duly observed by the collectors and all other officers of the revenue of the United States, appointed and employed for the several collection districts of such state respectively, and by the masters and crews of the several revenue cutters, and by the military officers who shall command in any fort or station upon the sea-coast; and all such officers of the United States shall be, and they hereby are, authorized and required, faithfully to aid in the execution of such quarantines and health laws, according to their respective powers and precincts, and as they shall be directed from time to time by the Secretary of the Treasury of the United States. And the said Secretary shall be, and he is hereby authorized, when a conformity to such quarantines and

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This act, which aims to supplement the quarantine regulations of the states, is all the federal legislation we have on the subject down to 1866. The legislation of that year marks a substantial advance; for, in that year, Congress made the first appropriation for the purpose of aiding in the enforcement of

health laws shall require it, and in respect to vessels which shall be subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries: *Provided*, that nothing herein shall enable any state to collect a duty of tonnage or impost without the consent of the Congress of the United States thereto: *And provided*, that no part of the cargo of any vessel shall, in any case, be taken out or unladen therefrom, otherwise than as by law is allowed, or according to the regulations hereinafter established.

"Section 2. *And be it further enacted*, That when, by the health laws of any state, or by the regulations which shall be made pursuant thereto, any vessel arriving within a collection district of such state, shall be prohibited from coming to the port of entry or delivery by law established for such district, and it shall be required or permitted by such health laws, that the cargo of such vessel shall or may be unladen at some other place within or near to such district, the collector authorized therein, after due report to him of the whole of such cargo, may grant his especial warrant or permit for the unlading and discharge thereof, under the care of the surveyor, or of one or more inspectors, at some other place where such health laws shall permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such collector may, for the time, reasonably judge expedient for the security of the public revenue: *Provided*, that in every such case, all the articles of the cargo so to be unladen, shall be deposited at the risk of the parties concerned therein, in such public or other warehouses or inclosures, as the collector shall designate, there to remain under the joint custody of such collector and of the owner or owners, or master, or other person having charge of such vessel, until the same shall be entirely unladen or discharged; and until the goods, wares or merchandise which shall be so deposited may be safely removed, without contravening such health laws; and when such removal may be allowed, the collector having charge of such goods, wares or merchandise, may grant permits to the respective owners or consignees, their factors or agents, to receive all goods, wares or merchandise, which shall be entered, and whereof the duties accruing shall be paid or secured, according to law, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of the Treasury for all public warehouses and enclosures.

"Section 3. *And be it further enacted*, That there shall be purchased or erected, under the orders of the President of the United States, suitable warehouses, with wharves and inclosures, where goods and merchandise may be unladen and deposited, from any vessel which shall be subject to a quarantine, or other restraint, pursuant to the health laws of any state as aforesaid, at such convenient place or places therein, as the safety of the public revenue, and the observance of such health laws may require.

"Section 4. *And be it further enacted*, That when, by the prevalence of any contagious or epidemical disease, in or near the place by law established, as the port of

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quarantine laws. On May 26, 1866, the Senate and House passed the following joint resolution respecting quarantine and health laws:

Be it resolved by the Senate and House of Representatives in Congress assembled, That the Secretary of the Treasury be, and he hereby

entry for any collection district, it shall become dangerous or inconvenient for the collector and the other officers of the revenue employed therein, to continue the discharge of their respective offices at such port, the Secretary, or in his absence, the comptroller of the treasury of the United States, may direct and authorize the removal of the collector, and the other officers employed in his department, from such port, to any other more convenient place, within, or as near as may be to such collection district, where such collector and officers may exercise the same authorities, and shall be liable to the same duties, according to existing circumstances, as in such lawful port or district; and of such removal, public notice shall be given as soon as may be.

"Section 5. *And be it further enacted*, That it shall be lawful for the judge of any district court of the United States, within whose district any contagious or epidemical disease shall at any time prevail, so as in his opinion to endanger the life or lives of any person or persons confined in the prison of such district, . . . to cause the person or persons confined as aforesaid, to be removed to the next adjacent prison where such disease does not prevail, there to be confined, until he, she or they may safely be removed back to the place of their first confinement; which removals shall be at the expense of the United States.

"Section 6. *And be it further enacted*, That in case of the prevalence of a contagious or epidemical disease at the seat of government, it shall be lawful for the President of the United States to permit and direct the removal of any or all the public offices to such other place or places as, in his discretion, shall be deemed most safe and convenient for conducting the public business.

"Section 7. *And be it further enacted*, That whenever, in the opinion of the chief justice, or in case of his death, or inability, of the senior associate justice of the supreme court of the United States, a contagious sickness shall render it hazardous to hold the next stated session of the said court at the seat of government, it shall be lawful for the chief or such associate justice, to issue his order to the marshal of the district within which the supreme court is by law to be holden, directing him to adjourn the said session of the said court to such other place within the same, or an adjoining district, as he may deem convenient; and the said marshal shall thereupon adjourn the said court, by making publication thereof in one or more public papers printed at the place by law appointed for holding the same, from the time he shall receive such order, until the time by law prescribed for commencing the said session. And the district judges shall, respectively, under the same circumstances, have the same power, by the same means, to direct adjournments of the district and circuit courts within their several districts, to some convenient place within the same respectively.

"Section 8. *And be it further enacted*, That the act, intituled 'An act relative to quarantine', passed in the first session of the fourth Congress of the United States, shall be, and the same is hereby repealed.

"Approved, February 25, 1799."

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is, authorized to make and carry into effect such orders and regulations of quarantine as, in his opinion, may be deemed necessary and proper, in aid of State or municipal authorities, to guard against the introduction of cholera into the United States; and the Secretary of the Treasury is further authorized to direct the revenue officers and officers commanding revenue cutters to aid in the execution of such quarantine, and also in the execution of the health laws of the States respectively in such manner as may to him seem necessary. And such an amount of money as may be necessary to carry into effect this joint resolution is hereby appropriated out of any money in the treasury not otherwise appropriated; provided the authority hereby granted shall expire on the first Monday of January, anno Domini eighteen hundred and sixty-seven.[1]

The work to be done was, however, still strictly supplementary; for though the secretary of the Treasury was authorized to coöperate with the states in enforcing their quarantine laws, he had no authority to "add to, modify or supersede any state regulation." The general policy to be pursued was therefore still left entirely in the hands of the states, each of which feared to incur any very great expense lest part of its expenditure should inure to the benefit of its neighbors.

Notwithstanding the manifest advantages of control by a central power which could deal, according to its own plan, with the whole disease area, it is doubtful if the federal government would have been authorized to do anything more than use its "good offices" in aiding state regulation, had not the recurring epidemics of yellow fever in the sixties, seventies and eighties created a popular sentiment which forced Congress to do something more than "second the motion."

Even under pressure, Congress moved very cautiously. Apprehensive of overrating the strength of the demand for untrammeled federal action in the interest of the public health, it passed a joint resolution in June, 1870, making provision for the sending of an army medical officer to visit the leading cities of the Atlantic and Gulf states, to ascertain the conditions and the sentiment of the people, to report these facts for the information of Congress, and to give his judgment as to what

[1] 14 U. S. Statutes at Large, 357.

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system of quarantine, if any, which would give promise of success in checking the spread of epidemics, particularly of yellow fever, could be enforced by the federal government without antagonizing the states. Dr. Harvey E. Brown was appointed to make this investigation. After studying conditions carefully at close range, he reached the conclusion that, to deal with the situation efficiently, unity of control was necessary. He therefore recommended that a national system of quarantine be substituted for the varied local systems. It may be said that this was the conclusion of a federal officer; but I think it entirely safe to say that any competent authority in his profession who was familiar with administrative methods would have reached the same conclusion.

A bill embodying the recommendations of Dr. Brown was introduced at the next session of Congress and passed the House, but was defeated in the Senate because of the opposition of the Democrats under the lead of Senator Thurman. The ground of their opposition was that a national quarantine, if made effective, would interfere with the police power of the states. In their mind the doctrine of state-rights had taken much deeper root than the wise Roman maxim: *Salus populi, suprema lex.* Nothing short of a pestilence could rid them of a notion which our national development had rendered obsolete. To speak more accurately, it took a series of pestilences to convince them that our national evolution had rendered certain modifications in their theory necessary in order to apply it successfully to existing conditions. And the pestilences came.

The epidemics of yellow fever in 1873 and 1876 so increased the numbers and strengthened the convictions of those favoring the recommendations of Dr. Brown, that, in 1878, Congress passed an act providing for something resembling a national quarantine system, which, however, was to operate only against foreign countries. In its more important sections it provided that

> No vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise or animals, affected with any infectious or contagious disease, shall enter into any port of

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the United States or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, except in the manner and subject to the regulations to be prescribed as hereinafter provided.

That it shall be the duty of the medical officers of the Marine Hospital Service and of customs officers to aid in the enforcement of the national quarantine rules and regulations.

That whenever, at any port of the United States, any State or municipal quarantine system may now, or may hereafter exist, the officers or agents of said system shall, upon application of the respective State or municipal authorities, be authorized and empowered to act as officers or agents of the national quarantine system, and shall be clothed with all the powers of United States officers for quarantine purposes, but shall receive no pay or emoluments from the United States. At all other ports where, in the opinion of the Secretary of the Treasury, it shall be deemed necessary to establish quarantine, the medical officers or other agents of the Marine Hospital Service shall perform such duties in the enforcement of the quarantine rules and regulations as may be assigned them by the Surgeon-General of that service under this act: *Provided*, That there shall be no interference in any manner with any quarantine laws or regulations as they now exist or may hereafter be adopted under State laws.[1]

Before this act could be put into operation, the southern states were afflicted by the worst epidemic of yellow fever in the history of this country, causing a loss of more than fifteen thousand lives and, according to Surgeon-General Walter Wyman, a pecuniary loss of not less than a hundred million dollars. Such inroads upon the well-being of our people could not fail to direct attention to the problem of finding some means of preventing or, at least, of reducing the extent of losses to be suffered by the recurrence of such epidemics in the future. In his annual message to Congress, in December, 1878, President Hayes emphasized the urgency of the situation in the following language:

"The fearful spread of this pestilence has awakened a very general

[1] 20 Statutes at Large, 37.

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public sentiment in favor of a national sanitary administration, which shall not only control quarantine but have the sanitary supervision of internal commerce in times of epidemics, and hold an advisory relation to the State and municipal health authorities, with power to deal with whatever endangers the public health, and which the municipal and State authorities are unable to regulate. The national quarantine act approved April 29, 1878, which passed too late in the last session of Congress to provide the means for carrying it into practical operation during the past season, is a step in the direction here indicated. In view of the necessity for the most effective measures, by quarantine and otherwise, for the protection of our seaports and the country generally from this and other epidemics, it is recommended that Congress give to the whole subject early and careful consideration.

This recommendation, coupled with the increasing demand that something be done, caused Congress again to take up the work of revising the quarantine laws in the interest of public health. By this time the alignment of forces had somewhat changed. Many of the rockribbed Democrats from the southern states had been impelled by the ravages of the yellow scourge to forget their extreme state-rights theories and were ready to place in the hands of the federal government, for the protection of the public health, far greater powers than it had hitherto exercised. To this end several bills were presented by southern senators. Indeed, the only conspicuous southern opponent of federal quarantine was Senator Morgan, who upon this question fought shoulder to shoulder with Senator Edmunds. But a majority of the Senate favored the federal as opposed to the local system, and a bill passed the Senate. This, however, was defeated in the House by a vote of 128 to 112. The opposition to the measure in the House was based upon the ground that the federal treasury ought not bear the expense of a work of which the benefit would inure mainly to one section. This furnishes one of the many evidences of the lengths to which sectionalism was at that time carried.

On February 7, 1879, Mr. Harris, on behalf of a select committee appointed to investigate the best means of preventing the introduction and spread of contagious diseases, made the following report to the Senate:

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The committee has held joint sessions with a committee of the House of Representatives appointed for the same purpose, and the committees of the two houses, in joint session, appointed . . . scientific experts . . . The experts met at Memphis, Tennessee, on the 26th of December, 1878, and were there instructed by the committees to make such investigations as could be made within the time allowed, and report to the committees:

First. The origin, cause, and distinctive features of yellow fever and cholera; whether they are indigenous to any part of the United States; if, not, how they are brought to this country, and the localities from which they come; and, if found to be indigenous and also imported, in what proportion and to what extent has their presence in the United States been owing to importation.

Second. The season of the year and atmospheric conditions when and in which they may be propagated.

Third. The means to be adopted by which their introduction into this country from other localities may be prevented.

Fourth. The method of preventing their propagation and spread when once introduced into the United States.

Fifth. The number of deaths that have occurred in the United States during the year 1878; the expenditure of money and injury to business resulting therefrom.

The experts were distributed to various places recently infected with yellow fever, to investigate and collect facts preparatory to reporting upon the questions propounded, but under orders to meet at Washington on the 15th of January, 1879, to agree upon their conclusions and make their report.

A joint sub-committee of three senators and three representatives was sent to New Orleans, and a similar sub-committee was sent to Memphis; each of which committees took the testimony of a large number of leading medical and commercial men, which was submitted to the board of scientific experts upon their meeting on the 15th January, 1879, with such other communications from medical men and scientists as had come to the hands of the committee. The board of experts having before it also the results of the labors of what is known as the "Yellow Fever Commission," organized by the supervising surgeon of the Marine Hospital Service in 1878, and the expenses of which were paid by the munificent charity of Mrs. Elizabeth Thompson, of the city of Washington.

On the 30th of January, 1879, the board of experts submitted their report to the committees of the Senate and House of Representatives,

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in joint session, which, with the evidence and communications above referred to, is herewith presented as an appendix to this report.

The board of experts say that, "according to the testimony of existing records, yellow fever has invaded the present territorial limits of the United States" in eighty-eight years between 1693 and 1878, and that the evidence of importation for seventy-seven of these eighty-eight years is more or less complete, and that every epidemic that has occurred in the United States can be traced, either with certainty or with a high degree of probability, to a new importation, and that there is no conclusive proof that the disease is indigenous to any part of the United States, or originated here in any single instance; but it is admitted that "there are facts which seem to warrant the inference that, in some of our southern cities, the specific poison of the disease, when hidden away from the cold in sheltered places, may live through a mild winter, and give rise, during the succeeding summer, to scattered cases of the fever; but the proof that such cases have at any time given rise to an epidemic is not conclusive."

From the testimony of eminent medical men, and the conclusions arrived at by the board of scientific experts, after the fullest and most careful investigation possible within the short time allowed, the committee strongly incline to the opinion that neither yellow fever nor cholera is indigenous to any part of the United States, and that the great majority, if not all the epidemics of these diseases with which the country has suffered so greatly, have resulted from importation.

The committee is of opinion that the best and only certain means of preventing the introduction of these diseases from other countries is absolute non-intercourse with ports where they exist in epidemic form during the time they so exist.

And the next best means of prevention is a well-regulated national quarantine, strict in its requirements as to the observance of all proper sanitary measures at the port of departure by all vessels sailing from infected ports, and equally strict in requirements and enforcements of all necessary inspections of such vessels, their cargoes, passengers, and crews, and the thorough disinfection of the same, when necessary, at quarantine stations before being allowed to enter any port of the United States.

While these quarantine regulations may not give absolute security against the importation of these diseases, they will, in the opinion of the committee, prevent importation to a very large extent, and secure benefits greatly in excess of any possible cost of their enforcement. The public health is second in importance to no question which ad-

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dresses itself to the consideration of the legislator, and Congress should, in the opinion of the committee, within the scope of its constitutional powers, adopt such measures as are best calculated to preserve and promote it.

In the exercise of the power "to regulate commerce with foreign nations and among the States," the regulations should be such as not only to promote the commercial interests of the country, by measures suggested by those considerations which have generally heretofore controlled these regulations, but should also so regulate as to prevent, as far as possible, the importation of all contagious or infectious diseases from foreign countries and from State to State.

To this end the committee report and recommend the passage of a bill which prescribes certain duties to be observed and performed by all vessels coming from any foreign port where any contagious or infectious disease exists before departure, and inspection and, if necessary, disinfection and detention of vessel, cargo, passengers and crew before entering any port of the United States. And it also establishes a bureau of health, with a director-general of health as its chief executive officer, and a board of health composed of seven members, to be appointed by the President by and with the advice and consent of the Senate, and the Surgeon-General of the Army and the Surgeon-General of the Navy to be *ex-officio* members of said board, and that said bureau of health shall be charged with the execution of all sanitary measures within the District of Columbia which are now or may hereafter be required by law or made in pursuance thereof, and also the making, with the approval of the President, such uniform quarantine rules and regulations upon the commerce with foreign nations and between the States as may be deemed necessary and authorized by law, and the execution of the same. It is also charged with the supervision of all matters connected with the Marine Hospital service, the bill providing that the office of supervising surgeon of that service be abolished. It is also charged with the duty of obtaining information as to the sanitary condition of foreign ports.

While the bill reported by the committee does not present a complete and perfect system, or accomplish all that it is believed will be necessary and proper to be done in this respect in the future, it is, in the opinion of the committee, a step in the right direction, the beginning of a system that the calamities of the past have proved to be necessary and the benefits of the future will prove to be important.

In the opinion of the committee, Congress has no power to supersede or interfere with any quarantine regulations operating wholly

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within any State, which may have been or may hereafter be adopted by any State or established by the authority of any State; but independent of, and in addition to such quarantine regulations as the States may have adopted, or may hereafter adopt, Congress has the power so to regulate commerce as to prevent the importation of contagious or infectious diseases from foreign countries and from one State to another.

The bill reported by the committee proposes coöperation with State and municipal authorities without interfering with their respective systems, and invites the State authorities to undertake the execution of its provisions, and provides for the appointment of quarantine officers of the United States only at such places as the State authorities may refuse or fail to execute the law of the United States and the regulations made pursuant thereto.

While the committee is of opinion that the enforcement of quarantine regulations is important to prevent the introduction and spread of epidemic diseases, it is equally well satisfied of the importance of enforcing strictly the most thorough local sanitary measures in every city and town that would protect the lives and promote the health of its citizens.

While the weight of testimony greatly preponderates, and the opinions of the committee strongly incline to the conclusion, that neither cholera nor yellow fever is indigenous to any part of the United States, yet the proof of the fact that the latter, if not both, may not originate here, is not so conclusive as to justify or warrant cities, towns or communities in relaxing in the slightest degree in the observance and enforcement of all local sanitary measures necessary to and promotive of health.

On March 3, 1879, the following law was enacted:

Section 1. There shall be established a National Board of Health to consist of seven members, to be appointed by the President, by and with the advice and consent of the Senate, not more than one of whom shall be appointed from any one State, whose compensation, during the time when actually engaged in the performance of their duties under this act, shall be ten dollars per diem each and reasonable expenses, and of one medical officer of the Army, one medical officer of the Navy, one medical officer of the Marine Hospital Service, and one officer from the Department of Justice, to be detailed by the Secretaries of the several Departments and the Attorney General, respectively, and the officers so detailed shall receive no compensation. Said board shall

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meet in Washington within thirty days after the passage of this act and in Washington or elsewhere from time to time upon notice from the president of the board, who is to be chosen by the members thereof, or upon its own adjournments, and shall frame all rules and regulations authorized or required by this act, and shall make or cause to be made such special examinations and investigations at any place or places within the United States, or at foreign ports, as they may deem best, to aid in the execution of this act and the promotion of its objects.

Section 2. The duties of the National Board of Health shall be to obtain information upon all matters affecting the public health, to advise the several departments of the government, the executives of the several States, and the Commissioners of the District of Columbia, on all questions submitted by them, or whenever in the opinion of the board such advice may tend to the preservation and improvement of the public health.

Section 3. The Board of Health, with the assistance of the Academy of Science, which is hereby requested and directed to coöperate with them for that purpose, shall report to Congress at its next session a full statement of its transactions, together with a plan for a national public health organization, which plan shall be prepared after consultation with the principal sanitary organizations and the sanitarians of the several States of the United States, special attention being given to the subject of quarantine, both maritime and inland, and especially as to regulations which should be established between State or local systems of quarantine and a national quarantine system.

Section 4. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the salaries and expenses of said board and to carry out the purposes of this act.

The same Congress succeeded in passing, on July 1, 1879, an act "to prevent the introduction of contagious and infectious diseases within the United States." This act provided

that the Board of Health shall have power, when they may deem it necessary, with the consent and approval of the Secretary of the Treasury, as a means of preventing the importation of contagious or infectious diseases into the United States, or into one State from another, to erect temporary quarantine buildings and to acquire on behalf of the United States titles to real estate for that purpose, or to rent houses, if there be any suitable, at such points and places as are named in such section.

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For these purposes the Board of Health was authorized to draw on the $500,000 appropriated by the act of June 2, 1879.

We find in this act the first move in the direction of an interstate quarantine law. Not only did it provide for federal initiative in interstate quarantine, but it furnished an inducement for the states to bring their laws into harmony with the federal law in order that they might avail themselves of the federal appropriations. A further move was made in this direction in 1888, when Congress made an appropriation of $486,500 for the construction, equipment and maintenance of quarantine stations at Delaware Breakwater, Cape Charles, Sapelo Sound, Key West, Gulf Station, San Diego and San Francisco.[1] The following year the president was

> authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated by the joint resolutions approved September 26 and October 12, 1888, and one hundred thousand dollars in addition thereto, or so much thereof as may be necessary, in the aid of State or local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same.[2]

Further supplementary appropriations were made in 1890.

In 1893 the most elaborate act which has yet been passed on the subject of federal quarantine became a law. Vessels clearing for American ports were required to secure a bill of health from the consul or consular medical officer at the port from which they cleared. Violations of this requirement were to be punished by a fine not exceeding five thousand dollars. The law provided further

> that the Supervising Surgeon-General of the Marine Hospital Service shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health, and shall, under the direction of the Secretary of the Treasury, coöperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the

[1] 25 Statutes at Large, 356. [2] *Ibid.*, p. 954.

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Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia; and all rules and regulations made by the Secretary of the Treasury shall operate uniformly and in no manner discriminate against any port or place; and at such ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are, in the opinion of the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, the Secretary of the Treasury shall, if in his judgment it is necessary and proper, make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and when said rules and regulations have been made they shall be promulgated by the Secretary of the Treasury and enforced by the sanitary authorities of the States and municipalities, where the State or municipal health authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the President shall execute and enforce the same and adopt such measures as in his judgment shall be necessary to prevent the introduction and spread of such diseases, and may detail or appoint officers for that purpose.[1]

Though imperfect in many respects, this law is an advance in the direction of enabling the federal government to enforce effective regulations in case of great emergencies. But it contains a number of provisions which have led and will continue to lead to conflicts in authority. Examples bearing out this statement will be found in Wyman's work on *Quarantine and*

[1] 27 Statutes at Large, 450.

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Commerce (page 14). In matters of this sort, where one of the prime requisites to efficiency is promptitude of action, it is a serious mistake to make the federal government wait until there has been a failure by state or municipal authorities. There will always be more or less hesitancy upon the part of the federal government to provoke a conflict of authority by deciding that the state has failed. A more practicable plan is to entrust the work from the beginning to the service least likely to fail, and, if thought advisable, to empower it to invite the coöperation of the local authorities.

One of the most practical provisions of the law of 1893 is that furnishing an inducement to the states to give up their claims of jurisdiction in quarantine matters by providing that, whenever they turn over to the federal government the buildings, apparatus *etc.* used by them for quarantine purposes, the federal government will pay a reasonable price for the same. So far this provision has resulted in the transfer to the United States of their quarantine stations by the following states: Florida, North Carolina, New Jersey, Georgia and Oregon. The latter state abolished by joint resolution the state quarantine service and asked the federal government to take charge of the entire quarantine service of the state on May 20, 1905; and, upon acceptance of this offer by the Secretary of the Treasury, it repealed all of its laws relating to quarantine. Like action by other states would greatly simplify the problem of protecting the public health; for, so long as the states refuse to surrender their supposed rights, the federal government will be in the future, as it has been in the past, very loath to assume full control.

It is very gratifying to note the action of the conference of governors and other representatives of southern states held in Chattanooga, Tennessee, November 9 and 10, 1905. This body adopted the following preamble and resolutions:

Whereas the experience of recent years and especially the experience of this year have demonstrated beyond cavil that the house mosquito, known as the *stegomyia fasciata*, is the sole known cause of yellow-fever epidemics and have demonstrated the futility and nuisance of many antiquated methods of quarantine hitherto resorted to and the wisdom

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and necessity, in the interest of the public health and the public business, of uniform regulations to prevent the importation into the United States of yellow fever and its spread from State to State in the unfortunate event of its introduction: Now, therefore,

Be it resolved: That we, delegates from Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Maryland, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, hereby respectfully request the Senate and House of Representatives in Congress assembled to enact a law whereby coast, maritime and national frontier quarantine shall be placed exclusively under the control and jurisdiction of the United States Government, and that matters of interstate quarantine shall be placed under the control and jurisdiction of the United States Government, acting in coöperation with the several State boards of health.

We furthermore respectfully request that Congress shall make adequate appropriation to enforce and perfect the objects of this memorial and to stamp out as nearly as practicable the yellow-fever-carrying mosquito in its breeding or living places in the United States and by negotiating arrangements with the Governments of Central and South America and the West India Islands, in places where the said mosquito has its breeding places or exists in said countries.

Resolved, second: That we urge upon the legislatures of the several Southern States that they enact quarantine regulations as nearly as possible in accord and conformity as hereafter enacted.

We furthermore urge the governors of the said several States with the above object in view specifically to call the attention of the legislatures of their respective States to the wisdom and policy of this course.

These resolutions are especially significant because they indicate that the prejudice of more than a century in favor of the doctrine of state-rights is not strong enough to prevent the southern statesmen of today from perceiving that matters which can best be handled by the general government should be entrusted to that government, unless the transfer of authority would be in violation of the constitution, in which case the constitution should be amended, provided the matter is of sufficient importance to warrant the trouble which such a proceeding involves. But in the case before us, there is no need of any amendment. There is ample authority vested in the federal government by the constitution to warrant its assuming control over maritime

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and interstate quarantine, provided such an assumption be deemed expedient. And, as there is scarcely an argument in favor of any form of federal control of interstate commerce which does not hold good as regards this form, it would seem abundantly clear that federal control of quarantine is expedient.

Upon the question of the assumption of control by the federal government, President Roosevelt made the following recommendation in his annual message of December 6, 1905:

> It is desirable to enact a proper national quarantine law. It is most undesirable that a State should on its own initiative enforce quarantine regulations which are in effect a restriction upon interstate and international commerce. The question should properly be assumed by the Government alone. The Surgeon-General of the National Public Health and Marine Service has repeatedly and convincingly set forth the need for such legislation.

For some reason, this advice does not seem to have convinced Congress that the matter was sufficiently urgent to demand its attention. Past epidemics seem to have been forgotten, and there has been little or no indication that new epidemics were impending. Yet no one can review the work of the laboratories established by the federal government for the study of such epidemics as yellow fever, bubonic plague, *etc.*, without being convinced that there is much to be gained from such lines of investigation; nor is it likely that any one state would consider itself under obligation to bear the expense of supporting laboratories for conducting investigations in the fruits of which all other states would share.

The history of immigration emphasizes the importance of providing against epidemics. During the fiscal year 1904, 1560 persons were excluded because of contagious diseases, and in the following year 2198 were excluded for the same reason. During the latter year, 5788 vessels were inspected, and of these 207 were disinfected, at the forty national quarantine stations along the Atlantic, Gulf and Pacific coasts.

I have reviewed the legislation upon this subject in somewhat copious detail because the subject is in itself interesting, and also because the tendency toward conservatism in this field fur-

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nishes evidence that existing apprehensions concerning the centralization of power in the federal government have little basis. The fact is that the federal government has been slow in developing its powers. The only exceptions to this rule fall in three distinct periods: at the very beginning, when the influence of Hamilton was at its height; during and immediately after the Civil War; and during the present decade. In the first of these periods this development was necessary in order to avoid the rocks upon which the confederation split; in the second it was inevitable because the power of the federal government to maintain its own existence was the main issue upon which the war was fought; in the third, the issue was forced upon the federal government by reason of the necessity for controlling corporate power—a work for the performance of which the states had demonstrated their incapacity. But even during these periods there has been evident something of the tendency which we have noted in federal quarantine legislation —a tendency on the part of the central government to refrain from assuming the full extent of its constitutional authority until the exercise of such authority is forced upon it by the necessities of the case.

If this conclusion be correct, those who consider the protection of the public health a matter of the first importance can render a valuable service by doing their share toward developing an energetic public sentiment in favor of the expansion of the powers of the national government in this field. Congress must be forced to realize that the question is considered important, and that the people are convinced of the expediency of the exercise, by the federal government, of the quarantine powers which under the constitution it has a right to exercise. A "Committee of One Hundred" has been organized by the American Association for the Advancement of Science, for the purpose of considering questions relating to health and of advocating increased federal regulation of the public health; and it is to be hoped that the movement in this direction will receive from their hands an impulse which will bring results.

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THE CAUSES OF POVERTY

"POVERTY," writes Professor Patten in his *New Basis of Civilization*, "is at so many removes from nature that it is omitted from the diagram." Without reference to the nature of the diagram, the reason for deliberately leaving poverty out of it is very significant. It expresses the new view of poverty—that it not only is not desirable and not inevitable, but is actually unnatural and intolerable and has no legitimate place on our diagram of social conditions.

Wherever and whenever a glimmering of the new view of poverty is found, there is found also increased interest in its causes. This interest grows with the conviction that it is not desirable that there should always be a certain number of men naked and anhungered and in prison, even for the sake of giving certain other men the privilege of clothing and feeding and visiting them. The social cost of the graces of generosity and sympathy is too great if they can be had only by maintaining a poverty class. As soon as poverty is recognized to be undesirable, from the point of view of both rich and poor, the question arises whether it is necessary. Any attempt to answer this question involves logically an inquiry into the reasons for the existence of poverty, but as a matter of experience this step seems to be omitted. We are unwilling to concede that anything in the economy of the universe to which we seriously object must be helplessly endured. With the formulation of the question we jump to denial, and hurry on to discover, not *whether*, but *how*, poverty may be diminished and prevented. In order to do this, however, we are again driven to hunt for its causes. Every excursion after causes confirms our hasty intuitive conclusion, because the causes themselves are found to be controllable; and every confirmation of the belief that poverty is unnecessary sends us out again to search among causes for our points of attack.

A genuine anxiety to get at the underlying causes of poverty

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has been characteristic of the "new" charity of the last thirty-five years, often disparagingly designated as "scientific." Foremost in the search have been the charity organization societies, instigated by the National Conference of Charities and Correction and by university professors,[1] and the superintendents of almshouses and other similar institutions, instigated by the United States Census Bureau.

In all these investigations the method has been the same, and it is the method employed by Charles Booth in his study[2] of pauperism in the Stepney and St. Pancras unions. The National Conference plan, formulated in 1888, was based on one already used by the Charity Organization Society of Buffalo. This method consists in studying a large number of individual cases of poverty, indicating in each case what is considered to be the cause, then adding up the number of cases ascribed to each cause and finding what proportion they form of the entire number of cases studied. The difficulty of fixing on one cause, out of the many existing circumstances which might be regarded as causative, led to the practice of assigning "principal" and "subsidiary" causes; and some scrupulous students[3] went so far as to grade the contributing causes on a scale of ten. This method was hailed as scientific; it was lauded at many a national conference; it was advocated and used by the most advanced and "scientific" leaders in philanthropy and social research; and only within the last few years has any objection been made to it—except by the district agents and visitors who were called upon to decide which of the circumstances in and around each poor family under their observation was responsible for its poverty. Although the objections were not based at the outset on any abstract conviction of the unsoundness of the method, it was because of the difficulties which were encountered in its

[1] Perhaps it would be nearer the truth to say that the charity organization societies have instigated the National Conference and the university departments. At least the work has been done by the societies, and the results obtained have been examined and interpreted to some extent in the Conference and in the universities.

[2] Published 1891.

[3] See, for example, A. G. Warner, American Charities (Revised edition, New York, 1908), pp. 42–45.

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application that its unscientific character became apparent. It takes courage to protest against a method established by years of use and hallowed by names of high repute, but the protest must be made; for the method is open to fatal objections, and its undisputed dominance has delayed the advance that should have been made in the study of the causes of poverty.

The method rests on the assumption (1) that in every case of poverty there is one chief or principal cause, and (2) that this cause will readily be recognized by the person who is told to find it. Here, for example, is a widow with two little children. Her husband died three months ago. She has been living on the insurance, or so much of it as was left after the funeral, and on contributions made by relatives. Her husband was intemperate, and therefore there were no savings. The woman herself can do nothing to support her family, except the "day's work" that is available for even the inefficient. The children however are delicate, and one of them is sick, so that the mother can not go out. Is this family's dependence attributable to death or lack of employment or inefficiency or illness or intemperance? A good argument could be made for any one of these recognized, standard causes. The problem, however, is still comparatively simple, for the elements of environment and distant heredity have not yet been considered. It is not strange that these and similar puzzles have led investigators to select "insufficient income" as the cause of numerous cases of poverty, just as physicians enter "heart failure" on death certificates when they do not know why the heart ceased to beat. What the decision will be in any case depends not on the facts of the case, but on the more or less imperfect knowledge of the facts possessed by the investigator, *plus* his own bias, determined by natural temperament and education, *plus* his ability to recognize a cause when he sees it. In other words, the decision is merely an expression of opinion and is of no scientific value.

About four years ago the New York Charity Organization Society discontinued the practice of assigning principal and subsidiary causes of need whenever a case was closed. This decision was due to the discovery that a tabulation of causes of need according to districts gave an excellent photograph, not of the

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needy families in the different districts, but of the mental attitude of the different district agents. The percentage of need attributed to lack of work varied, for instance, from 16 per cent in one district to 67 in another; intemperance was held accountable for only five per cent in a district where many of the families were those of Irish longshoremen, but for 23 per cent in another district which had a large proportion of Italians. An examination of the case-records failed to reveal in the different districts any such variations in the amount of sickness or of idleness or of intemperance as would account for the varying importance assigned to these factors as causes. Only one conclusion was possible: that experiments along this line were primarily of interest in relation to the psychology of visitors. Since then the study of causes of poverty has been based on the study of conditions in the families.

A demonstration of the fallacious character of the older method may be found in the returns from penal institutions obtained by the Committee of Fifty,[1] and presented by them as showing mathematically the importance of intemperance as a cause of crime.

In view of the popularity which this method attained and the persistence with which it was employed, it is interesting to note that its drawbacks were long ago perceived by its more intelligent supporters. It is a matter of record that problems similar to those presented above were publicly discussed. At the National Conference of 1899, for example, there was such a discussion, in which Miss Richmond, Miss Birtwell and Professor Lindsay took part. The obstacle presented by incomplete information was recognized in the rule, formulated about this time, that when in doubt you were to select the cause "farthest back" *of which you were sure*. The variations in the personal point of view were also recognized by some who promoted this method of research. At the same conference (that of 1899) Professor Lindsay said:

The variations in the amount of poverty in different cities attributed

[1] Koren, Economic Aspects of the Liquor Problem (Boston and New York, 1902).

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to any one of these causes can be accounted for more rationally on the basis of differences in method and judgment of those who fill out the blanks than upon the basis of differences in the conditions of the population.

But he nevertheless presented figures for three cities and accounted for differences in percentages by differences in the sanitary conditions and racial elements in those cities. The comfortable theory was advanced that the variations in personal equation might be trusted to correct one another; so that, for example, a tendency in one person to regard intemperance as the cause of poverty in every case in which intemperance is discernible will be offset by a tendency in another person to exaggerate the effect of inequitable industrial conditions. Of course these are variations which are quite as likely to be intensified as to be neutralized by increasing the number of investigators, for there are fashions in thinking, and one-sided views are frequently held by large numbers of like-minded persons.

It is not too much to say that this method of studying causes of poverty had a pernicious effect on the persons who were engaged in the collection of material. If the investigator felt no difficulty in assigning causes, the process tended to foster the false idea that every case of poverty is a simple result of one, or at most two circumstances; or if he felt the difficulties of his task, its mechanical execution tended to awaken in him a distrust of all social study, if such study must be based, as the wise ones said it must, on a foundation so little entitled to respect.

These figures have nevertheless served a good purpose, for they have given occasion for a vast amount of profitable discussion, which has led us on from one view of the causes of poverty to another.

The first classification of causes adopted by the National Conference had twenty-two headings: drink; immorality; shiftlessness and inefficiency; crime and dishonesty; roving disposition; imprisonment of breadwinner; orphans and abandoned children; neglect by relatives; no male support; lack of employment; insufficient employment; poorly paid employment; unhealthy and dangerous employment; ignorance of English; accident,

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sickness or death in family; physical defects; insanity; old age; large family; nature of abode; and other or unknown.

This classification had not been in use long before its defects were felt. A case of imprisonment of breadwinner was also a case of crime or dishonesty. A case of abandonment might fall also under almost any other heading. Lack of employment might be due to drink, a roving disposition, ignorance of English, insanity, accident or old age. Old age and a large family, it was seen, do not always, or even generally, involve dependence, and therefore these should not be listed as causes. The general dissatisfaction led, in 1899, on the initiative of Dr. Philip W. Ayres, to a revision of the list. An effort was made to avoid cross-classifications and to eliminate conditions not usually productive of dependence. The discussion at this time turned largely upon the difference between a "condition" and a "cause." The following classification was adopted: (1) Causes within the family: disregard of family ties; intemperance; licentiousness, dishonesty or other moral defects; lack of thrift, industry or judgment; physical or mental defects; sickness, accident or death. (2) Causes outside the family: lack of employment not due to employee; defective sanitation; degrading surroundings; unwise philanthropy; public calamity; and other unclassified causes.

This is clearly a more logical classification; but during the nine years that have elapsed since it was made our ideas have been modified by the new knowledge we have gained of the relations between familiar phenomena, and we have arrived, almost unconsciously, at a new view of nearly all the causes in the first of these two groups. In general the change has consisted in moving the causes in the first group over into the second, placing them under the head "outside the family." Behind "disregard of family ties" we see defective education of both boys and girls, instability of employment and the influence of institution life. Behind "intemperance" we see poor food, congested living, lack of opportunities for wholesome recreation and the power of the liquor trust. In the place of "licentiousness, dishonesty and other moral defects" (when these are causes of poverty and not, as is much more frequently the case,

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devices for escape from poverty) we are inclined to put our ineffectual penal methods and, again, defective education and, again, unwholesome conditions of modern city life. "Lack of industry, thrift or judgment" appears in many instances to be really the result of poverty, the physical and mental degeneration caused by years of privation showing itself in laziness and shiftlessness. Lack of industry in the grown man is not infrequently the result of premature employment which an earlier generation of social investigators would have commended as thrift. "Physical and mental defects" are today increasingly regarded as evidence of inadequate provision for the segregation and education of defectives, of neglect of the physical welfare of school-children, of unintelligent methods of instruction. "Sickness, accident and death" are analyzed. Preventable disease is traced to its causes—to bad sanitary conditions in dwellings and work-shops, to the ignorance of great numbers of mothers concerning the care of their babies, to the action of commercial interests which make it a difficult matter for even the well-to-do to get pure milk and food, to governmental inefficiency exhibited in a contaminated water supply and dirty streets. For "accident" we read, in many cases, neglect of the employer to provide safe conditions for labor, and neglect of the legislature to require or neglect of the administration to enforce the establishment of such conditions. We know today that the great majority of deaths that cause dependence are preventable. That is equivalent to saying that we have found causes farther back than "death," and that we have also found out how those causes may be controlled. In short, the recognized causes of poverty are in fact largely symptoms or results of poverty. They are, to be sure, potent to produce more poverty; they are evidences of a downward tendency and must be corrected; but they are not the "underlying" causes.

Our ideas about the second group in this classification, the causes outside the family, have been less disturbed, probably because at the time they represented more recent thought on this subject. The relative importance attributed to this group as compared with the causes within the family has, however, been growing rapidly, and we read into "defective sanitation"

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and "degrading surroundings" an infinite number of new meanings. "Unwise philanthropy" seems to have undergone a curious change of content. It used to be applied in the case of a family in which the pauper spirit had been developed by an excess of generosity. This possibility no doubt exists; but if we were now to pick out a family whose dependence is due to the unwise administration of relief, we should be apt to select a widow broken down by over-exertion in supporting her children because we had not been generous enough in our help.

An interesting tendency is noticeable, in the discussions of the last two or three years, to restore to our list of causes one that had been discarded from the first classification, *viz.* "poorly-paid employment." The conviction has been growing, among some of those who think most clearly and most carefully about these things, that there are classes of laborers whose wages, fixed by custom and not responding to the increase in the cost of living, are absolutely insufficient to maintain a normal family at the present standard of life. And we are coming, therefore, to think of "insufficient income," when it means inadequate compensation, not as a joke, but as one of the authentic causes of dependence.

A new classification, which reflects the recent change in thought, was offered at the National Conference in 1906 by Dr. Lee K. Frankel. It consists of only four divisions: ignorance, industrial inefficiency, exploitation of labor and defects in governmental supervision of the welfare of citizens. Logic seems to demand that we reduce these four causes to two, cutting out ignorance and inefficiency as results. To some form of exploitation or to some defect in governmental efficiency most of the circumstances which we commonly regard as causes may be ascribed. For practical purposes, however, these two causes must be broken up into their components, and to account for all the poverty in existence, a third heading must be used expressing the defective will that chooses unwisely in the face of knowledge and the selfishness that evades responsibility. It is our faith that human nature is so susceptible to good influences that these defects may be reduced to a minimum by improving the environment. At any rate, the experiments thus far made

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have given reason for such a hope, and they encourage us to concentrate effort in eliminating exploitation and securing efficient government. The irreducible minimum of "natural depravity," "moral defects," or whatever it may be called, will remain and will have to be reckoned with, but may not be large enough to constitute a serious problem.

A knowledge of the causes of poverty is of value in two ways. It is equally important in helping the individual family that needs assistance and in planning movements for the improvement of social conditions. We have learned that about one-third of all the deaths that leave women alone with little children to support are due to tuberculosis, and that the dying husband and father frequently leaves the disease as a ghastly legacy to one or more members of his family. We have also learned that this disease may be cured by a long and expensive treatment, and that its communication may be prevented. Our accurate knowledge of this cause results in a modification of our methods of treatment of families in which there is tuberculosis. Liberal relief is given to enable the husband, if he is the invalid, as he so often is, to take the long and expensive treatment; quick return to work is discouraged rather than urged; the family is moved to a better apartment where the consumptive can have a room alone, instead of being advised to reduce expenses by taking cheaper rooms; the children are examined, even if they seem well, in order that the earliest symptoms of contagion may be detected and danger averted; and, if all this is done in the right way, the family is not pauperized, but the man gets well and there is one less "widow with dependent children" than there would have been. Our knowledge of tuberculosis has led us also to organize what is called a "social movement" for dealing with this cause of dependence. This includes schemes for educating the public, through the newspapers, through special publications, through exhibitions, through lectures, through electric displays in the parks and advertisements in the street-cars; it includes also comprehensive plans for sanatoria and hospitals and dispensary systems, and all the other devices that have become so familiar that it is hard to realize that they are mainly the growth of the last six years.

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We know now, to take another example, that premature employment results in a stunted maturity and a premature old age which are causes of poverty. This knowledge saves us from the folly of inculcating habits of industry when habits of play are more needed, or of finding "easy work that can't hurt him" for an under-sized, illiterate boy of thirteen, in order to provide the last three dollars a week the family needs "to get along," congratulating ourselves that we have "rendered the family self-supporting." It leads us, at the same time, to organize all over the country a systematic campaign against child labor, in order to secure laws that will guarantee to every child a chance for the physical and mental development that he needs to ensure him against being dependent on charity when he shall have become a man with a family.

Knowledge of causes is indispensable to good work in either direction, whether in helping an individual or in improving social conditions. This has been said again and again, but when it comes to applying this maxim our ideas have been rather confused. "Distress cannot be permanently relieved except by removal of the causes of distress" is the principle we have clung to. If this is as true as it sounds, then a knowledge of causes is of use only in preventing the development of poverty. It will make us improve housing conditions, prohibit child labor, provide a rational system of education, clean the streets, purify the water supply, forbid all home work in the tenements, checker the map of the city with small parks, abolish quack medicines, build hospitals of all sorts and keep in them the people who ought to be there, ensure the purity of drugs and foods, revise our entire correctional system and, perhaps, even regulate wages. In our care of individual families it will keep us alert to recognize the existence of causes that have not yet begun to show effects; it will make us urge and aid families to move from dark basements to well-ventilated rooms, to keep their children in school until they can safely go to work, to go to the hospital or sanatorium when they need to do so and before it is too late, to learn how to buy and how to prepare nutritious food. But if it is true that "distress cannot be permanently relieved except by removal of the causes of distress," we must infer either that a

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knowledge of causes is of no help in our efforts to relieve existing poverty, or that the conditions which we are trying to change, the symptoms of poverty which we are trying to remove, are in reality causes. The second alternative is the true explanation. There has hardly been a discussion of causes of poverty that has not contained a reference to Oliver Wendell Holmes's oracular statement that it is necessary to begin two hundred years ago to cure some cases of disease. This is always quoted to show that the existing conditions are not the "underlying causes," and that, in order to decide in a given case what the cause is, you must look back two hundred years. No fault can be found with this statement when it is applied to increase our understanding of present conditions or to impress us with the necessity of looking ahead two hundred years from the present in making our plans; but if it is applied to the problems of relieving existing poverty it leads to despair. The underlying causes of two hundred years ago, or even of the preceding generation, may be crystal clear to us, but we cannot affect them; the existing conditions are what we have to deal with, and our practice has been to deal with them more hopefully than our theories would warrant. The results have justified the hopefulness; and a new theory is now emerging, namely, that there is in human nature recuperative power of such strength that the removal of the existing visible effects of the "underlying causes" will do almost as well, as far as the individual case is concerned, as the removal of the causes themselves; or, in other words, that poverty is itself one of the most potent causes of poverty and one of those most responsive to treatment. This is a truth that Mr. Bernard Shaw happened upon the other day in London, when he said that the whole trouble with the poor was their poverty, and that this could be made all right by dividing among them the money contributed for charity without any intermediate waste in salaries. The newspapers of the better sort sprang to the defense of the relief methods which require salaried services, and ridiculed Mr. Shaw's pronouncement as a begging of the question. It did not beg the question; and, however naïve his practical application of it was, it contained a truth which had been stated long before: "The wealth of the rich is their strong city; the destruction of the poor is their poverty."

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For practical purposes, the important thing for us to know, in relation to a dependent family or in relation to a community burdened with dependents, is: What adverse conditions are present which can be corrected? In the community these adverse conditions are "underlying causes." In the single families they are the results of the previous action of these or of earlier underlying causes, but they are also certain causes of future poverty. They must be corrected and their recurrence must be provided against.

The first step, therefore, in the treatment of a family or a city is to find out what adverse conditions are present and to what extent; and this is the first step also in the rational study of the causes of poverty. These adverse conditions are facts, and they are ascertainable facts. They either do or do not exist in the family or in the city. Their prevalence can be measured.

We have already a pretty definite idea what conditions are adverse, what conditions breed poverty, in a family or in a city; but of the extent and relative importance of these conditions we have little accurate knowledge.

Our ideas as to what constitutes an adverse condition in a family are the result of a study of the characteristics of families which have become dependent. Our ideas of what constitutes an adverse condition in a city are acquired in another way: we begin, for some reason or other, generally from our observation of individual cases, to view with suspicion some feature of the city's life, and we study that feature, trying to ascertain what bad effects it produces and why it produces these effects and what can be done about it.

The basis for a statement of the adverse elements present in the circumstances of dependent individuals and families is general observation, which is really an unconscious collection of statistics. Only conscious collections, of which we have few as yet on this subject, can give accurate knowledge of the relative importance of the various elements, but the unconscious collections may be trusted to the extent of basing on them a mere enumeration. The adverse conditions tending to involve dependence which have been observed are these: absence of natural care for children; lack of provision for old age; physical dis-

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ability; mental defects; certain forms of criminality and moral obliquity; and inefficiency.

Dependence is the normal state of children and of the aged, but this normal dependence is on relatives. Childhood, however, may be deprived of natural care by the death of one or both parents if other relatives are lacking or are inaccessible, and also by neglect or maltreatment on the part of parents; and old age may lack the children or friends or savings that are its normal accompaniments. Both of these periods, during which dependence is the normal state, are lengthening at the expense of the working period. The tendency among well-to-do families to prolong their children's preparation for life has its counterpart in the legislation which is compulsorily prolonging that of the poorest. Simultaneously the upper limit of the working age is apparently being depressed. There is certainly a tendency to begin work at a later age; there is apparently a tendency to stop work at an earlier age. The latter tendency is one which counteracting influences may and should eventually overcome; but in many occupations it has been a conspicuous feature of modern industry. At the same time the average age at death is increasing. There are thus three factors tending to decrease, absolutely or relatively, the portion of life in which a man may work, and to increase, absolutely or relatively, the periods of dependence. Until wages have fully responded by an increase that will enable the average man not only to support his children for a longer time, but also to provide in a shorter working period for a longer old age, or until the effective working period has been materially lengthened, this adverse condition will persist. In it we find the reason why the problem of old-age pensions has become acute; from it comes much of the misery which gives point to radical socialistic proposals. Physical disability may either incapacitate the wage-earner or merely increase the family expenses. It may consist of permanent defects, permanent or temporary injury from accident, industrial or otherwise, or acute or chronic illness. Sickness and physical disability in its various forms give to the workers among the poor in their own homes their chief occupation, and to social workers for the improvement of general conditions their best opportunity.

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Mental defects tending to involve dependence vary from insanity and feeble-mindedness down to peculiarities of temperament, such as obstinacy or a quick temper, which interfere with economic success. While this field of work is less encouraging, so far as improvement of the individual is concerned, there is here even greater need for a wise system of institutional care, and there is here an opportunity to introduce radically preventive measures. Crime and moral defects are adverse conditions in the family from an economic standpoint when they result in imprisonment of the wage-earner or inability to keep work or evasion of family obligations. Desertion, intemperance and vagrancy are from this point of view more significant than the more startling crimes.

Inefficiency (not amounting to defects) may be physical, mental or moral; and it may be due to such varied causes as malaria, intemperance, neglected teeth, defective education or unaccustomed surroundings. It may be environmental rather than personal, and it constitutes the first point of attack for all thorough-going reforms in the educational system.

Public disasters, such as fire, flood, earthquake, volcanic eruption or tornado, produce conditions not merely adverse but wholly abnormal. Of somewhat the same nature are the abnormal industrial conditions at times of financial crisis or wide-spread strike, when men in the prime of life, of reasonable education, health, industry and capacity, find it impossible to support a normal family of the average size. But even in normal times there are adverse conditions in every American city. There are insanitary houses, over-crowded apartments, ill-ventilated factories, germ-laden dust in the streets and germ-laden water in the mains. Little children are in glass-works or selling papers, when they should be at school or in bed. Men and women are working over-long hours in disease-breeding surroundings. The police are conniving with criminals; the courts are imposing sentences that confirm tendencies to crime. Men are exploiting, for their own profit, the weaknesses of their fellows, both as employees and as consumers. The study of causes, enlightening to the student, indispensable to the statesman, elementary to the social worker, beneficent to the poor, need not wait for hard times

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or times of great calamity, but may proceed at all times, under the most favorable conditions yet known in any community.

Study of the causes of poverty at this stage of our knowledge should consist of investigations into the prevalence of adverse conditions. What we need to know, for practical purposes, is not whether twenty per cent or thirty per cent or fifty per cent of the poverty in existence is due to illness, but how much illness there is, of what kinds it is, how much of it is unnecessary and by what means we may eliminate the unnecessary part. What we need to know about congestion is not what percentage of criminality and dependence is attributable to it, for that we can never find out, but where the congested districts are, how far the adverse features of life in them may be overcome, and what can be done to induce or to compel people to move elsewhere. In the language of current philosophical discussion, pragmatism affords our best working program. We are to look away from "first things, principles, categories, supposed necessities" and look towards "last things, fruits, consequences," facts. We are to look for those particular ideas and facts which will "help us to get into satisfactory relation with other parts of our experience."

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MARXISM VERSUS SOCIALISM. II [1]

THERE is no necessary connection between the economic interpretation of history and socialism. A man may interpret the past in terms of economic cause and effect and yet be given to no speculations about the future, or he may be led to forecast an increasing individualism. It would obviously be inadmissible to call such an one a socialist. Until recently, nevertheless, every writer who interpreted history economically was taken and declared to be an orthodox disciple of socialism. This was no chance error, but rather a well-defined type of a mode of classification in which the popular mind habitually indulges. The popular mind, it is well to remember, does not dwell with the philosophers in their "marble temple shining on a hill," but in the muddy world of concrete personal experiences.[2] Systems of philosophy, or scraps of them, act upon the mind of the public only after they have become part and parcel of that tangle of experiences through which it has to find its way. In assorting and classifying theories the popular mind is guided not by logic but by experience. It perceives that certain theories, philosophical and literary, are set forth and defended by persons who hold certain social or political views; and by a process which may be described as "substitutional" it identifies the theories with the tendencies which they foster and subserve. Thus in Russia, for decades, the writers who defended "art for art's sake" were immediately recognized as political reactionaries, while every "realist" was assumed to be a liberal or a radical. Similarly in Germany, during the first half of the nineteenth century, "romanticism" stood for political conservatism, if not for reaction, while in Feuerbach's decade "naturalism" stood for political revolution and a humanitarian socialism. Similarly Marx's economic interpretation of history has come to stand for militant socialism.

[1] For the first part of this study see POLITICAL SCIENCE QUARTERLY, XXIII (June, 1908), 193–219.

[2] William James, Pragmatism (1907), pp. 21, 22.

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Logically, these substitutions were and are indefensible. The connections between these theories and the practical ends which they were used to subserve was local or temporary. In England, for example, William Blake, who was certainly neither realistic nor naturalistic, who shared with German romanticists and Russian devotees of art for art's sake the love of the symbolic and mystic, inclined in his political theories to revolutionary socialism.[1] In England, "art for art's sake" was preached by William Morris, a socialist, and by Oscar Wilde, who saw in man's first disobedience man's original virtue, advocated the abolition of property, urged taking rather than begging, marked down all our values and considered our society to be bankrupt. Similarly, the economic interpretation of history has been divorced from socialism. Today, as Professor Seligman points out, "the writers who are . . . making the most successful application of the economic interpretation are not socialists at all."[2]

In their place and time, however, these popular classifications were true. The Russian literary men of the sixties who advocated art for art's sake represented a religious and political authoritarianism. On the other hand, the faithful description of the actual conditions of existence in Russia which the realists called for and supplied meant propaganda, primarily of discontent, ultimately of revolution. The German romanticists were conservatives or reactionaries; and Feuerbachian naturalism, according to Feuerbach himself, was intended to prepare the way for the reconstruction of the political and social order.[3] Similarly, the popular identification of the economic interpretation of history with socialism represented a correct appreciation of Marx's motives and of the practical bearing of the method as employed by him and his disciples.

It was for political reasons that Marx emigrated to France; it was for similar reasons that he was exiled from France; in Brussels he lived under the constant and suspicious supervision

[1] *Cf.* William Blake, Poetical Works (Rossetti's edition, 1890), p. 142. Regarding Blake as a "Liberty boy" and his attitude towards the Revolution, *cf.* Edwin J. Ellis, The Real Blake (London, 1907), pp. *162 et seq.*

[2] Seligman, The Economic Interpretation of History (1902), p. 109.

[3] Ludwig Feuerbach, Werke (Leipzig, 1846), I, xiv, xv.

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of the Belgian "administration of public safety." Is it to be assumed that he gave so much concern to the several governments because he was busily engaged in elaborating a scholarly method for historical research? Or is it to be assumed that a year after the hunger riots of the Silesian weavers, a year or two before the revolution of '48, he was taking a rest from all political activity, escaping the turmoil by giving himself up to the joys of pure theory?

Far from it. We see Marx and Engels speculating; but the axes upon which their speculations revolve are the social movement and the political revolution. Their literary activity is their political activity.[1] The economic interpretation was not the offspring of dispassionate research; it was conceived in minds saturated with ideas of social revolution. As early as 1845, at the Elberfeld gathering of communists, Engels, still a half-utopian so far as the future organization of society was concerned, argued for communism as an economic necessity and pictured the social revolution as economically unavoidable. "With the same certainty," Engels tells us, "with which from a given mathematical proposition a new one is deduced, with the same certainty we can deduce the social revolution from the existing social conditions and the principles of political economy."[2] Two years later Marx and Engels were writing the *Communist Manifesto*, the "fundamental proposition" of which is the economic interpretation of history.

The propaganda of the economic interpretation of history, of the "critical insight into the conditions, progress and general

[1] . . . "Man sieht daraus, wie der Wunsch, praktisch zu wirken, in erster Reihe diesen literarischen Plan beherrschte, den Marx und Engels für Jahr und Tag im Auge behalten haben." Aus dem literarischen Nachlass von Marx, Engels *etc.* (Stuttgart, 1902), II, 332.

[2] "Sie sehen also, meine Herren, auch im Einzeln das bestätigt, was ich im Anfange allgemein, von der Konkurrenz überhaupt ausgehend, entwickelte—nämlich dass die unvermeidliche Folge unserer bestehenden sozialen Verhältnisse unter allen Bedingungen und in allen Fällen eine *soziale Revolution* sein wird. Mit derselben Sicherheit, mit der wir aus gegebenen mathematischen Grundsätzen einen neuen Satz entwickeln können, mit derselben Sicherheit können wir aus den bestehenden Verhältnissen und den Prinzipien der Nationalökonomie auf eine bevorstehende soziale Revolution schliessen." *Rheinische Jahrbücher zur gesellschaftlichen Reform*, herausgegeben von Hermann Pütmann, vol. i (Darmstadt, 1845), pp. 78, 79.

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results of the actual social movement"[1] was Marx's chief activity during the years 1846–1848, and this activity was political. He was not conducting a historical seminar in Brussels; he was supplying the revolutionary army with a new revelation and was instilling into it a spirit of absolute confidence in the triumph of its cause. It was the future that concerned him; the past was a *pièce justificative*. An interpretation of history he called it, because to him, born as he was in the Hegelian school, past, present and future was one historical process.

It was Marx's economic interpretation of history, and not that of any other man, which attracted public attention; and in classifying the economic interpreters of history as socialists, the popular mind exhibited, as in other similar cases, a perfectly sound appreciation of both the psychological motive and the practical aim of the theory. But this classification also has proved to be temporary. Today, such is the irony of fate, the economic interpretation of history, while of great value to the historical student, is an unyielding and merciless steel trap in which so-called scientific socialism is caught and held.

IV

The socialistic state of Marx was not to be manufactured by any world-reformer. Socialism was to be a product of economic tendencies, and of these the most important was the concentration of production.

Anyone who is acquainted with the thought of the nineteenth century knows that the industrial changes that were in progress were very generally viewed with misgivings if not with apprehension. In the first half of the century, *i. e.* at the time when the doctrines of scientific socialism were formulated, the tall chimney, to use Schultze–Gaevernitz's expression,[2] was generally regarded as a warning finger—a *mene tekel* of impending revolution. The social effects of the introduction of machinery were too serious to be overlooked. The tendency towards industrial centralization and the social, economic and political aspects of this

[1] Marx, Herr Vogt (London, 1860), p. 35.

[2] Schultze-Gaevernitz, The Cotton-Trade in England and on the Continent (London, 1895), p. 164.

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tendency were attracting the attention of many thoughtful men before Marx began to speak or write. What was drastically formulated by Marx as an unavoidable necessity had been previously suggested and discussed as a possibility. Constantin Pecqueur,[1] for example, had pointed out with remarkable clearness that the older methods of production could not compete with the modern factory, and that production on a large scale was so much cheaper that the centralization of industry was a matter of economic necessity.[2] Pecqueur had also raised the question: If production on a large scale has undoubted advantages, what is likely to happen to the small establishments? and had answered that they would be wiped out by cruel competition, and that the small producers would possibly themselves become proletarians. Socially and politically such a situation would reduce itself to a new industrial feudalism. The sole alternative which he saw was a centralized industry on democratic lines, based on copartnership and coöperation.[3]

[1] C. Pecqueur, Économie sociale: Des intérêts du commerce de l'industrie et de l'agriculture, et de la civilisation en général, sous l'influence des applications de la vapeur (2d edition, Paris, 1839). This work of Pecqueur was widely read and was "couronné par l'Institut de France."

[2] "Tout le monde sait qu'en effet, dans l'emploi de la force motrice à vapeur, pour obtenir le bas prix des produits et réaliser de grand bénéfices, il faut opérer sur *grande échelle*, employer de grands capitaux et un grand nombre d'ouvriers; en un mot, *produire en grand*. . . . Point d'économie sans cela: c'est que le frais de premier établissement et d'entretien de deux machines a vapeur d'inégale puissance, ne sont pas proportionnés à leur degré d'inégalité. Ainsi il ne coûte pas le double pour l'acquisition d'une machine double en force; il ne faut pas deux chauffeurs au lieu d'un, deux fois plus d'espace pour la loger, deux foix plus de combustibles pour la chauffer, ni pour qu'elle fonctionne deux fois plus de temps." C. Pecqueur, *op. cit.*, I, 56, 57.

[3] "On peut très bien supposer que les sociétés anonymes ou en commandite par grosses actions, les propriétaires et les industriels très riches d'eux-mêmes, accaparent le travail des petits industriels, en les *tuant* par une concurrence démesurément inégale, et cruellement impitoyable; il peut en advenir que tout ce qui ne serait point capitalistes ou propriétaires de terre, aille se ranger petit à petit parmi le travailleurs prolétaires. . . ." *Ibid.* I, 396, 397.

"Ou la petite industrie disparaissant, les petits industriels seront les coassociés des grands établissements, coopérateurs de la production, et coparticipants aux bénéfices, selon son habilité, leur capital et leur travail; ou ils dégénéreront en ouvriers salariés, en une foule de serfs travaillant au jour le jour dans les manufactures; en prolétaires, toujours pauvres, toujours sans avenir; et toutes les grandes industries seront monopolisées exclusivement par une féodalité industrielle." *Ibid.* II, 101.

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Whether Pecquer influenced Marx is immaterial. The ideas expressed by the French economist were at the time more or less common property. Only the way in which Marx formulated them is important. For him it was not a question of a choice between industrial feudalism or industrial democracy. The present had but one road to travel; upon the future was the stamp of the inevitable. From his point of view there was no need to invent socialistic industrial schemes. Industry and agriculture would necessarily become thoroughly centralized and socialized. There would be no need to force the artisan, the small trader, the farmer into a socialistic scheme. "The small tradespeople, shopkeepers and retired tradesmen generally, the handicraftsmen and peasants—all these sink gradually into the proletariat,"[1] and the centralization of industry goes on. Nor is that to be the fate of the lower middle-class only. "Entire sections of the ruling classes are by the advance of industry precipitated into the proletariat."[2] To the question: Will socialism expropriate and abolish the hard-won private property of the small farmer? he responds: "There is no need to abolish that; the development of industry has to a great extent already destroyed it, and is still destroying it daily."[3]

Marxian socialism had profound contempt for utopias. Why should amateur schemes of an economic and social organization be elaborated, when capitalism's own mission was to organize and centralize the production of the commonwealth? No preaching of eternal justice can assemble scattered production, and there is no possibility of socialism without such economic centralization.

Sixty years have passed since Marx's *Manifesto* was published; it is therefore fair to inquire whether the economic changes that have occurred have justified his theories and expectations.

That a centralization of industry has taken place is an undeniable fact. Moreover, this centralization has gone further in this country than anywhere else in the world. Professor Seligman writes:

[1] Communist Manifesto (Kerr edition), p. 21.

[2] *Ibid.*, p. 26.

[3] *Ibid.*, p. 34.

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According to the census of 1900 there were 185 combinations, representing 2040 plants and turning out products to the value of $1,667,350, a little over 14 per cent of the total industrial output of the United States. But since 1900 the movement has progressed rapidly. In 1900 there were 16 combinations, each with a capital of over $50,000,000 and with an aggregate capital of $1,231,000,000. In 1907 . . . not only were there 27 such combinations with an aggregate capital three times as great ($3,785,000,000), but a single combination now had a larger capital than the 16 combinations and about one-half as large as all the 185 combinations in 1900.[1]

The combination to which Professor Seligman refers is the United States Steel Corporation, an industrial consolidation which controls not less than 785 industrial plants. While the United States is generally regarded as the land of trusts *par excellence*, the growth of large industrial consolidations and combinations is very much in evidence both in England and on the continent of Europe. But the centralization of industry in recent years is by no means primarily due to purely technical conditions—to the development of the tool into the machine. Steam and machinery have certainly favored large-scale production, but there has been no such far-reaching centralization as the Marxian vision of future economic development presaged. The cotton industry of Great Britain, the history of which furnished so much material to the author of *Capital*, exhibited, as Bernstein has pointed out, only a very moderate concentration in the twenty-odd years following the publication of Marx's work. Here is a comparison of the data for 1868 as given by Marx with the data for 1890:

COTTON INDUSTRY	1868	1890	PERCENTAGE OF	
Factories	2,549	2,538	decrease	0.43
Power-looms	379,329	615,714	increase	62
Spindles	32,000,014	44,504,819	"	39
Persons employed	401,064	528,795	"	32
Average number per factory	156	208	"	33

[1] Seligman, Principles of Economics (3d edition, 1907), p. 342.

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The other branches of the textile industry show, according to Bernstein, even less concentration.[1] In at least one branch of the textile industry, in weaving, the number of factories steadily increased: in 1870 they numbered 1658; in 1874, 1703; in 1878, 1765; in 1885, 1915; in 1890, 2015. In the textile industry as a whole, the number of establishments fluctuated as follows: in 1870 there were 6807; in 1874, 7394; in 1878, 7105; in 1885, 7465; in 1890, 7190.[2]

The development of the trust, therefore, can scarcely be regarded as the inevitable result of industrial technique. It is rather to be viewed as a counter-revolution against free competition. Free competition led persistently towards lower prices, overproduction and lower profits; the desire to check the ruinous results of free competition has led to trade agreements, pools, syndicates, combinations—to one form or another of what we call the trust. "After all," writes Macrosty, "men are in business not to exhibit the 'natural' laws of economics but to make an income, and it is a poor consolation to a bankrupt to know that he has been overwhelmed by a stream of tendency."[3]

Experience has further shown that trusts do not necessarily wipe out smaller concerns. In our everyday language we understand under trusts not only giant mergers and rigid industrial consolidations, but all sorts of industrial trade agreements, federations, pools, syndicates and associations formed for the purpose of maintaining prices. The looser federations are especially characteristic of Europe's industrial development. So Macrosty sums up the tendency in the English iron industry by expecting "in no very remote future to see the iron industry governed by loose federations of great powers, each large firm belonging to a number of associations according to the variety of its products."[4]

As a matter of fact, pools and trade associations often help to

[1] Bernstein, Die Voraussetzungen des Sozialismus und die Aufgaben der Sozialdemokratie (Stuttgart, 1899), p. 56.

[2] These data are taken from the Statistical Abstract for the United Kingdom (London, 1897), pp. 202, 203.

[3] Macrosty, Trusts and the State (1901), p. 152.

[4] Macrosty, The Trust Movement in British Industry (1907), p. 330.

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maintain smaller industrial organizations. E. J. Smith, the promoter of the "Birmingham Alliances" which have proven so successful, has laid special stress on the protecting of the smaller concerns, saying:

> The great advantage which a large capital gives must be retained as legitimate interest on capital only, instead of being given away for the purpose of flooding the markets with productions at selling-prices which cannot be charged by less fortunate firms without loss. Materials used in the process of manufacture have their fair average market values, which most makers have to pay. The purchasing of large quantities of material at one time, and to be paid for promptly, will no doubt make the buying-prices lower to the lucky capitalist, but whatever advantage is gained in this way should be regarded as interest on capital and retained.[1]

The more one studies the trusts, the less one is inclined to make sweeping generalizations. The types of combinations are so numerous and the policies of the individual combinations are so varied that only one general statement can be made with confidence, namely, that all trusts tend to organize to a greater or less degree their respective industries and to maintain steadier prices.

The social democrats of both continents, however, see in the American trust movement proof positive of the inerrancy of the Marxian forecast of economic development. Certain European socialist pamphlets convey the impression that the American manufacturing industry is thoroughly concentrated and organized, that the smaller producer is practically eliminated, and that the trusts are tending towards a trust of trusts. America therefore, at least technically and economically, is far ahead of all other countries on its way towards organized, centralized, socialized production.

In studying the report on *Manufactures* of the Twelfth Census, one is impressed by the number of small and middle-size industrial establishments of which the report takes cognizance. Here are the figures for 512,254 industrial establishments:[2]

[1] E. J. Smith, The New Trade Combination Movement (1899), p. 27.

[2] Twelfth United States Census (1900), Manufactures, part i, p. lxxiii.

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No employees,	110,510	51 to 100 employees,	11,663
Under 5 "	232,726	101 to 250 "	8,494
5 to 20 "	112,138	251 to 500 "	2,809
21 to 50 "	32,408	501 to 1000 "	1,063
	Over 1,000 employees, 443		

The special census report of 1905 on *Manufactures* gives us a comparative table which shows, on the whole, a gradual tendency towards concentration, with the small producer in many industries holding his own. Indeed, the number of industrial establishments increased from 1890 to 1900 more rapidly than the number of wage-earners.[1]

	1890	1900	INCREASE (PERCENTAGE)
Number of establishments,	355,415	512,254	44.1
Number of wage-earners,	4,251,613	5,308,406	24.9

Of course it is a fact that certain industries are centralized and organized on a national scale and are practically monopolies in the hands of a few persons. Such facts present serious problems. But we are more likely to find an advantageous solution of such problems by dealing with the facts as they are than by dealing with unverifiable "future" facts.

The industry of Europe is much more scattered and decentralized than that of the United States. According to the last German census, 4,770,669 out of about ten million wage-earners were employed in petty commercial and industrial establishments with one to five employees each.[2] In that country the independent artisans are far from being eliminated by the industrial process. In Prussia, in 1861, there were 534,556 masters and 558,321 apprentices; in 1900–1902 the independent masters numbered 679,323, with 559,738 journeymen (*Gesellen*) and 253,055 apprentices (*Lehrlinge*).[3] In commerce the small establishment is still more persistent than in industry. The German Empire counted:[4]

[1] Special Census Report, Manufactures, 1905, part i, p. xxxvi.

[2] Sombart, Sozialismus und soziale Bewegung (6te Auflage, Jena, 1908), p. 84.

[3] J. Wernicke, Kapitalismus und Mittelstandspolitik (Jena, 1907), p. 134.

[4] *Ibid.*, p. 240.

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COMMERCIAL ESTABLISHMENTS	1882	1895
Without employees	429,825	454,540
With 1–5 "	246,413	450,913
" 6–50 "	26,531	49,271
" over 50 "	463	960

Such is the state of concentration in German industry and commerce. Let us now consider the Marxian doctrine and the facts regarding concentration in agriculture.

The attitude of Marx and of Engels towards the agricultural population was consistently unfriendly. In their first great work the fathers of scientific socialism praise capitalism for rescuing "a considerable part of the population from the idiocy of rural life."[1] In the second part of the third volume of *Capital* Engels expresses the hope that the virgin soil of the Russian steppes and American prairies may still ruin Europe's landlords and peasantry.[2] The reason for this attitude is obvious. On the one hand socialist production is technically impossible unless scattered agriculture is concentrated; on the other hand the socialistic propaganda encounters in the peasant proprietor its most conservative and most obstinate foe, against whose will no social reconstruction of society is conceivable. In a discussion of the situation in France, Engels admits that no social revolution is possible without the backing of the peasants.[3]

The Marxian theory of course declares that small farming, like every petty industry, is doomed. This we learn from the *Communist Manifesto;* and the same information is given in the later writings of Marx and Engels and in those of their official commentators. Thus we read in *Capital:*

[1] Marx and Engels, The Communist Manifesto, p. 19.

[2] "Glücklicher Weise ist noch lange nicht alles Steppenland in Bebauung genommen; es ist noch übrig genug vorhanden um den ganzen europäischen grossen Grundbesitz zu ruiniren und den kleinen obendrein." Marx, Das Kapital (Hamburg, 1894), vol. iii, part ii, p. 260.

[3] "In einem Punkt haben unsere französiche Genossen unbedingt Recht: *gegen* den Kleinbauer ist in Frankreich keine dauernde Umwälzung möglich." Fr. Engels, "Die Bauernfrage in Frankreich und Deutschland," *Die neue Zeit*, 1895, I, 301.

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In the sphere of agriculture, modern industry has a more revolutionary effect than elsewhere, for this reason, that it annihilates the peasant, that bulwark of the old society, and replaces him by the wage laborer. Thus the desire for social changes and the class antagonisms are brought to the same level in the country as in the towns.[1]

In *Der Vorbote*, the party organ of the International, Marx's ardent follower, Johann Philipp Becker, declared, in large print, soon after the appearance of *Capital*, that the omnipotence of capital, the influence of science, the tendencies of the times and the interest of society as a whole had irrevocably and mercilessly condemned small-scale agriculture to slow but inevitable death.[2] This attitude was characteristic of the whole Marxian wing of the International. It was entirely in keeping with the Marxian doctrine, which may be summed up in the equation: small farming stands in the same relation to centralized agriculture as the hand-loom to the power-loom in industry.[3]

The attitude of Marxism towards the land question did not change with the passing of the International. We find the same doctrine, and even the same wording of the doctrine, in Liebknecht's *Grund und Bodenfrage*, which for years served as a catechism for socialist agitation among the German peasantry. The central assertion of this booklet is that the small agriculturist is doomed.[4] The doctrine is set forth today in every Marx-

[1] Marx, Capital (Fourth English Edition, London, 1891), I, 513.

[2] "*Die kleinbäuerliche Bewirtschaftung is deshalb durch die Allmacht des Kapitals, durch den Einfluss der Wissenschaft, den Gang der Thatsachen und das Interesse der Gesammtgesellschaft unwiderruflich und ohne Gnade zum allmäligen Tode verurteilt.*" *Der Vorbote*, December, 1869, p. 181.

[3] "Die kleine Bauernwirtschaft steht im demselben Verhältnis zur modernen grossen Agrikultur, wie die Handspinnerei und Weberei zur Maschinespinnerei und Weberei." J. Georg Eccarius, Eines Arbeiters Widerlegung der nationökonomischen Lehren John Stuart Mills (Hottingen-Zurich, 1888), p. 52. This booklet of Eccarius was revised by Marx and is consequently an authorized expression of his views. On page 57 of the same pamphlet one reads: "Die kleine Bauernwirtschaft ist politisch, sozial und ökonomisch gerichtet. Sie hat sich nirgends bewährt und kann sich nirgends bewähren als zuverlässiger, schritthaltender Zeitgenosse der modernen Industrie und des sozialen Fortschritts. Sie ist das fünfte Rad am Wagen des politisch-sozialen Fortschritts, das Bleigewicht, welches die Arbeiterbewegung in Frankreich wie anderswo auf dem Kontinent paralysiert."

[4] W. Liebknecht, Die Grund- und Bodenfrage (Leipzig, Verlag der Genossen-

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ian social-democratic program. The program of the German Social Democratic party begins with the well-known sentence:

> The economic development of bourgeois society leads by natural necessity to the downfall of the small industry, whose foundation is formed by the worker's private ownership of his means of production. It separates the worker from his means of production and converts him into a propertyless proletarian, while the means of production become the monopoly of a relatively small number of capitalists and large landowners.

The capitalist and the large landowner are thus put into one class, and small industry, whether industrial or agricultural, into another class, predestined to be destroyed.

Let us turn now to the leading contemporary exponent of orthodox Marxism, the official interpreter of the German party program, Karl Kautsky. He also admits that it is useless to try to make socialists out of real peasants. "Peasants who feel that they are not proletarians but true peasants, are not only not to be won over to our cause but belong to our most dangerous ad-

schaftsbuchdruckerei, 1874). The pamphlet ends (p. 128) with the words: "Kurz: Der Dampfpflug wird den Ackerbau ebenso revolutioniren, wie der Dampfstuhl und die Spinnmaschine die Industrie revolutionirt haben—er vernichtet die Kleinproduktion." The important fact is not that the booklet was in great vogue but that its position was strictly Marxian. The critic of Marx may truly observe that here is a doctrine which had no basis of facts whatsoever and no shadow of justification. But the greater was the faith with which this theory was received. The experiences of 1848 were fresh in men's memories, and the alternative suggested by the outcome of the French disturbances was that either the social revolution or the peasant was doomed. The socialists chose the latter interpretation. Liebknecht frankly explains: "Wir *brauchen* die Landarbeiter und Kleinbauern, soll unser Ringen nicht ein hoffnungsloses sein. Der unheilvolle Gegensatz zwischen Stadt und Land, der bisher jede freiheitliche Bewegung gehemmt, vereitelt hat, muss aufhören. Das warnende Exempel Frankreichs ist nicht an uns verloren. Am 24 Februar 1848 stürzte Paris, die *Stadt*, den Thron des korrupten Bürgerkönigs, und neun Wochen später schickte das *Land* eine reaktionäre Nationalversammlung nach Paris, welche die neugegründete Republik untergrub, und die Juniinsurrektion zur Niederwerfung des sozialdemokratischen Industrieproletariats organisierte. Fünf und einen halben Monat nach der Junischlacht wählte das *Land* mit überwältigender Majorität Louis Bonaparte zum Präsidenten der Republik, und bereitete dadurch den Staatsstreich vor, welcher drei Jahre später die Republik vollends beseitigte, und Frankreich der bonapartischen Räuberbande zu systematischer Ausplunderung uberlieferte. Das *Land*, das sind die Bauern. Die französischen Bauern haben das Kaiserreich gemacht aus blinder Furcht vor dem städtischen Sozialismus." *Ibid.*, p. 103.

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versaries."[1] Economic tendencies, however, are wiping them out of existence. To promise any succor to the small-scale producer in industry or in agriculture is to feed him on illusions. Efforts to arrest the inevitable economic development will be fruitless; if they produce any results at all, these results will be injurious to the classes in whose behalf the efforts are made. Painful as the process may be, the peasant is bound to sink into the proletariat.[2]

Naturally enough this theory has aroused little enthusiasm in the agricultural districts; and neither in France nor in Germany have the socialists made any headway among the peasants. Realization of this fact has caused attempts to be made, both in France and in Germany, to make the socialist program more attractive to this class. The French Socialist Congress which met at Nantes, in September, 1894, and the German Social Democratic Convention (*Parteitag*) held at Frankfort, in October of the same year, adopted resolutions favoring protection of peasant interests. At the Frankfort Convention Dr. Schönlank suggested that a different "lingo" be used in talking to the peasant. Socialistic doctrine should be administered to him in homœopathic doses, otherwise, this speaker feared, the medicine might kill the patient.[3]

[1] "Die Bauern, die sich nicht als Proletarier sondern als echte Bauern fühlen, sind für uns nicht nur nicht zu gewinnen, sie gehören zu unseren gefährlichsten Gegnern." Karl Kautsky, "Das Erfurter Programm und die Landagitation"; *Die neue Zeit*, 1895, I, 280.

[2] "Die Sozialdemokratie *macht* nicht die ökonomische Entwickelung; die Verdrängung des Kleinbetriebs durch den Grossbetrieb wird ohne ihr Zuthun durch die Kapitalistenklasse aufs gründlichste besorgt. Allerdings hat sie keine Ursache sich dieser Entwickelung entgegenzustemmen. Aber die ökonomische Entwickelung aufhalten wollen, heisst keineswegs die wirklichen Interessen der Kleinbauern und Kleinbürger vertreten. Denn alle dahingehende Versuche mussen scheitern, sie können, soweit sie überhaupt zu einer Wirkung kommen, nur schaden, nicht nützen. Den Handwerkern und Bauern Massregeln in Aussicht stellen, durch welche ihre Kleinbetriebe lebensfähig gemacht werden, heisst keineswegs ihre Interessen vertreten, es heisst vielmehr Illusionen in ihnen wecken, die sich nie verwirklichen können und die sie vom rechten Wege zur besten Vertretung ihrer Interessen ablenken." Karl Kautsky, Das Erfurter Programm in seinem grundsätzlichen Theil (2d edition, Stuttgart, 1892), p. 254.

[3] "Erreichen wir auf diesem Wege nichts anderes, als diese Bauernschaft zu neutralisiren, so haben wir genug gethan . . . Es darf nicht wieder so kommen wie

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Such proposals and efforts are easily explicable from the opportunist point of view of the popular agitator, but they are not in harmony with the Marxian doctrine. The contradiction between that doctrine and the peasant program of the Frankfort and Nantes conventions was so glaring, that Kautsky expressed the situation quite accurately by saying that, while the socialists were still very far from capturing the peasants, the peasants had captured the socialists.[1] No less distinct was Engels's protest. To a French socialist, who was seeking his instruction and advice, he explained that the progress of capitalism was destroying peasant property absolutely; that there was no reason why the party should not endeavor to make the proletarization of the peasantry less painful; but that to go further and to try to save the peasantry was to attempt the economically impossible, to sacrifice the principle, to become reactionary.[2] Of the same tenor was the last article of Engels in the *Neue Zeit*, already quoted. Large-scale production, he said, would run down the peasantry with their small farms just as a railroad train would

im Jahre 1848. Meine Freunde! Als die Pastete des Absolutismus geplatzt war, da hat die Reaktion den Bauern schleunigst Zugeständnisse gemacht und sie so gewonnen. Wir müssen verhüten dass die *nagelbeschlagenen Schuhe der Bauernsöhne sich gegen uns wenden, wir müssen sie neutralisieren, pazifizieren.* [Beifall]. . . . Mit den Landleuten müssen wir *Fraktur* reden. Wir müssen endlich einmal eine *praktische Agitation* treiben, nicht blos die *graue Theorie* . . . Unsere revolutionäre Politik darf nicht in geschwollenen Kraftphrasen bestehen . . . Die Medizin des Sozialismus muss der Landbevölkerung in homöopatischen Dosen beigebracht werden, sonst bringt sie den Bauern um." Protokoll über die Verhandlungen des Parteitages der Sozialdemokratischen Partei Deutschlands, abgehalten zu Frankfurt am Main, 1894, p. 141.

[1] "Für diesen argen theoretischen Rückschritt ist nur *ein* Grund ersichtlich: die Rücksicht auf die Bauern. Noch haben wir sie nicht gepackt, aber sie haben bereits uns." *Die neue Zeit*, 1895, I, 281.

[2] "Die Entwickelung des Kapitalismus *vernichtet* unrettbar das kleinbäuerliche Grundeigenthum. Unsere Partei ist sich vollständig klar hierüber, aber sie hat durchaus keinen Anlass, diesen Process durch eigenes Eingreifen noch extra zu beschleunigen. Gegen richtig gewählte Massregeln die den Kleinbauern den unvermeidlichen Untergang weniger schmerzhaft machen sollen, lässt sich prinzipiell nichts einwenden; geht man weiter, will man den Kleinbauer permanent *erhalten*, so erstrebt man nach meiner Ansicht ökonomisch *Unmögliches*, opfert das Prinzip, wird *reaktionär*." This letter is reprinted from the *Vorwärts* in the proceedings of the Frankfort Convention, p. 151.

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run down a wheel-barrow.[1] How strongly Engels felt on the subject is further shown by some of his recently published letters to the American socialist, Sorge. In one of these he characterizes the effort to win the peasants as a "confidence game" (*Bauernfängerei*) and declares that any attempt to protect them against taxes, usury and the great landholding interests is in the first place imbecile and secondly impossible.[2] His feelings were bound to be shared by everyone who understood the Marxian doctrine and was a "scientific" socialist. Some of the leading German socialists, like Schippel, did not hesitate to designate the socialist agrarian program as a bit of political charlatanism.[3] And the Frankfort Convention of 1895 disavowed most emphatically the agrarian program, because it promised to the peasantry the improvement of their conditions, which meant the strengthening of their property rights.[4]

The Convention of Frankfort adjourned; the German Social Democracy rested upon its reaffirmation of the Marxian doctrines, including the inevitable doom of the peasantry; but, by one of fate's little ironies, a census (the first since 1882) had been taken at the beginning of that very year, and while the discussions in Frankfort were in progress the statistical results of this census were being computed. To the Marxian theorists

[1] Engels, "Die Bauernfrage in Frankreich und Deutschland," *Die neue Zeit*, 1895, I, 303.

[2] "Auf dem Kontinent wächst mit den Erfolgen die Lust nach noch mehr Erfolg, und die Bauernfängerei im buchstäblichen Sinne wird Mode. Erst erklären die Franzosen in Nantes durch Lafargue nicht nur (was ich Ihnen geschrieben) das wir keinen Beruf haben, den Ruin der Kleinbauern den der Kapitalismus für uns besorgt, durch direktes Eingreifen unsererseits zu beschleunigen, sondern auch, man müsse den Kleinbauer gegen Fiskus, Wucher und Grossgrundbesitzer *direkt schützen*. Das können wir aber nicht mitmachen, weil es erstens dumm und zweitens unmöglich ist." Briefe und Auszüge aus Briefen von Johann Philipp Becker, Josef Dietzgen, Friedrich Engels, Karl Marx u. A. an F. A. Sorge und Andere (Stuttgart, 1906), p. 415.

[3] "Das Agrarprogram, das mit einer plötzlichen Wendung den Anschluss an die Bewegung unter den Bauern herzustellen sucht, ist ein Stück dieser politischen Charlatanerie." Protokol über die Verhandlungen des Parteitages zu Breslau, 1895, p. 110.

[4] "Der von der Agrarkommission vorgelegte Entwurf eines Agrarprograms ist zu verwerfen. Denn dieses Program stellt der Bauernschaft die Hebung ihrer Lage, also die Stärkung ihres Privateigenthums in Aussicht." *Ibid.*, p. 204.

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the results were staggering. The small agricultural landholder was gaining ground. The doctrine of concentration of agriculture was disproved. The census showed that each hundred hectares of land under cultivation was divided among the following groups in the following proportions:

SIZE OF HOLDING	1882	1895	GAIN OR LOSS	
Below 2 hectares	5.73	5.56	—0.17	
2 –5 "	10.01	10.11	+0.10	+1.26
5 –20 "	28.74	29.90	+1.16	
20 –50 "	22.52	21.87	—0.65	
50 –100 "	8.57	8.48	—0.09	
100 –200 "	4.77	4.75	—0.02	—1.33
200 –500 "	9.92	9.47	—0.45	
500 –1000 "	7.52	7.40	—0.12	
Over 1000 "	2.22	2.46	—0.24	

In words instead of figures, this table means that the middle-sized farms (20 hectares=nearly 50 acres) which can be taken care of by a peasant family without the help of wage labor are on the increase.[1] These data have impressed all unprejudiced economists as showing that the farmer who depends upon his family has a distinct advantage over the landowner who has to depend upon hired farmhands. The farms ranging from two to twenty hectares have gained in thirteen years not less than 659,259 hectares, while those ranging from twenty to one thousand hectares have actually lost 86,809 hectares.

The statistical data of other countries yield more or less the same results. No theory of concentration of agriculture or of the doom of the small farmer can be based, for example, on the figures given by our United States census reports:[2]

[1] Interesting in this respect are the conclusions drawn from the data of the German census by Professor Rauchberg in his article on "Entwicklungstendenzen der deutschen Volkswirtschaft" in *Archiv für soziale Gesetzgebung und Statistik* (1901), XII, 339 *et seq.* For a short digest of the census material relating to agriculture, see Dr. G. von Mayr's *Allgemeines statistisches Archiv* (1898), V, 658–675.

[2] Abstract of the Twelfth Census of the United States, 1900 (Washington, 1902), p. 217.

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Year	Number of farms	Number of acres	Average number of acres to a farm
1900	5,737,372	838,591,774	146.2
1890	4,564,641	623,218,619	136.5
1880	4,008,907	536,081,835	133.7
1870	2,659,985	407,735,041	153.3
1860	2,044,077	407,212,538	199.2
1850	1,449,073	293,560,614	202.6

In America the average acreage is still too large for intensive cultivation, and with increasing land values we may confidently expect a very considerable decentralization.[1] For Holland, Bernstein[2] quotes the following data:

Size of farms (in hectares)	Number of farms		Increase or decrease	Percentage
	1884	1893		
1 –5	66,842	77,767	+10,925	+16
5 –10	81,552	94,199	+62,647	+198.5
10–50	48,278	51,940	+ 3,662	+ 7.6
Over 50	3,554	3,510	— 44	— 1.2

In Friedrich Hertz's instructive book a large amount of statistical material is to be found, all showing the non-existence of any tendency towards centralization of agriculture.[3]

Eduard David, the well-known socialist leader, who is unquestionably the most learned socialist authority on all agricultural questions, has come to the conclusion that the peasants are getting the better of the large landowners[4] and that their standard

[1] "Land values tend to rise with growing prosperity. A given capital thus represents a constantly diminishing acreage, and it becomes increasingly profitable to apply more labor and minor machines to small areas rather than large capital and vast machines to great areas. That is, we have a tendency to more intensive rather than large-scale farming." Seligman, Principles of Economics, p. 336.

[2] Voraussetzungen des Sozialismus, p. 62.

[3] F. O. Hertz, Die agrarischen Fragen im Verhältniss zum Sozialismus (Wien, 1899). See also Shippel's estimate of Hertz's book, "Hertz gegen Kautsky," *Sozialistiche Monatshefte*, 1899, pp. 507–510.

[4] David, Sozialismus und Landwirtschaft (Berlin, 1903), I, 50, 51.

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of life is rising rapidly, the agricultural life of today being a life of great comfort as compared with that of the preceding generation.[1] David, of course, is not an orthodox Marxian, but a "revisionist."

We see accordingly, that while concentration in industry and commerce is far from complete centralization, no tendency towards concentration exists in agriculture. Marxian socialism, as has been sufficiently shown, is not the scheme of would-be world-reformers. Socialism is to be the inevitable result of certain conditions and tendencies. It is to be the heir of capitalism. It will step into its heritage when capitalism has developed a centralized and socialized mode of production and has created a thoroughly proletarized, class-conscious and revolutionary population. For this reason the figures and facts above presented are of vital significance to scientific socialism. If certain conditions and tendencies make socialism inevitable, do not the absence of these conditions and the existence of contrary tendencies make socialism impossible? True to the letter and true to the spirit of the Marxian doctrine was Kautsky when he wrote: "So long as the artisan feels himself to be an artisan, the peasant a peasant, the small trader a small trader, so long as they possess a strong class-consciousness, they must, no matter how ill they fare, steadfastly adhere to private ownership of the means of production and remain inaccessible to socialism."[2]

V

The centralization of production in industry and agriculture has, according to Marx, a political side: it proletarizes the masses. The economic development, therefore, not only paves the way technically for socialist production but also produces the political force that is to put an end to capitalism. Or, as

[1] David, *op. cit.*, I, 36.

[2] "So lange der Handwerker als Handwerker, der Bauer als Bauer, der Kleinhändler als Kleinhändler fühlt, so lange sie ein kräftiges Klassenbewusstseinhaben, müssen sie an dem Privateigenthum an den Productionsmitteln festhalten und dem Sozialismus unzugänglich sein, wie schlecht es ihnen auch gehen mag." Karl Kautsky, Das Erfurter Program in seinen grundsätzlichen Theil erläutert (2d ed., Stuttgart, 1892), p. 180.

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Marx expresses himself: "Not only has the bourgeoisie forged the weapons that bring death to itself, it has also called into existence the men who are to wield those weapons, the modern working-class, the proletarians."[1]

We have seen in the preceding pages that so far as agriculture is concerned there is, if anything, a slight decentralization of production. Consequently the proletarization of the farming class may be dismissed from consideration. In industry the situation is different. Here a substantial concentration has taken place, and it is claimed that the masses have been correspondingly or more than correspondingly proletarized. Let us try to find out, therefore, exactly what is meant by "proletariat" and "proletarization of the masses."

Marx tells us that "in proportion as the bourgeoisie, *i. e.* capital, is developed, in the same proportion is the proletariat, the modern working class, developed—a class of laborers who live only so long as they find work, and who find work only so long as their labor increases capital."[2] The official interpreter of present-day orthodox Marxism, Karl Kautsky, explains to us wherein the factory hands of today differ not only from the artisan and farmer of the past, who owned the means of production and were therefore independent, but also from the journeymen of the pre-capitalistic epoch. The latter, he says, "belonged to the family of the master, with the expectation of becoming some day masters themselves. The proletarian stands entirely on his own feet and is doomed to remain forever a proletarian."[3]

This Marxian conception of the proletarian as a modern product involves an idealization of the past. As a matter of fact, the little we actually know about the conditions which prevailed in mediæval industry gives us no intimation of a golden age, but rather a record of woe and distress. In making this statement I do not refer simply to the period of the so-called decay of the guild system, when the masters, as we are told, were primarily bent on exploiting the journeymen and keeping them out of the

[1] Communist Manifesto, p. 22.

[2] *Ibid.*

[3] Kautsky, Das Erfurter Programm, pp. 33, 34.

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guilds; on the contrary, I include the entire epoch in which the guilds flourished. I see no necessity for differentiating this epoch into historical periods, because I can find no fundamental points of difference.[1] We all know that as early as the thirteenth and fourteenth centuries there were bitter struggles between the journeymen and the masters. The master blacksmiths of Frankfort, first organized as a guild in 1377, entered in 1383 into an ironclad agreement with the guilds of Worms, Speyer, Mainz, Bingen and four or five other German cities to keep their journeymen in control and submission.[2] The same situation existed in other parts of Germany and in other European countries. In Danzig, for instance, the beginning of the struggle between masters and journeymen followed immediately upon the organization of the guilds. In 1385 the journeymen were striking and the city authorities were threatening to cut off their ears.[3] In France, the "family-relations" of masters and journeymen were characterized by strikes and riots, leading to bloodshed.[4] In Rheims, as early as 1292, the masters were enjoined from combining against their journeymen, and the latter from conspiring against their masters.[5] Nor does England show any lack of evidence that its journeymen regarded themselves as a separate class, antagonistic to the masters. As early as 1350 and 1362

[1] Germans of the historic romantic school have sacrificed their splendid learning to their *Nationalgefühl*. They have idealized their national past beyond the point of recognition. Their motives were of course estimable: Gierke, Schönberg, Stahl and the rest of them were scholarly patriots. But we that are not Germans have ever since been retailing a part of their learning and all their *Nationalgefühl*. The latter ought to have been left for German consumption.

[2] *Cf.* Schanz, Gesellenverbände, p. 42.

[3] Kulisher, Evolucia pribili s kapitala (1906), I, 419, 420: also Schönlank's article "Gesellenverbände" in the fourth volume of Conrad's Handwörterbuch für die Staatswissenschaften.

[4] "L'histoire des villes de Brie et de Champagne est fréquemment traversée par des crises intérieures qui rapellent les grèves et les émeutes de l'époque moderne. En 1280, les ouvriers drapiers de Provins, furieux de voir augmenter les heures de travail, se soulèvent et massacrent le maire. A Châlons, les événements n'eurent pas un caractère aussi tragique; pourtant le roi dut intervenir par lettres patentes en 1328, pour forcer les ouvriers a travailler le matinée et l'après-dinée." Étienne Martin-Saint-Leon, Histoire des corporations de métiers (Paris, 1897), p. 280.

[5] "Reims, un jugement arbitral de 1292 interdit les bans et alliances, tant entre ouvriers tisserands contre les maîtres qu'entre maîtres contre les ouvriers." *Ibid.*

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London ordinances were adopted to put an end to journeymen's strikes.[1] Not only do we find in fourteenth-century England a special journeyman class, composed of workmen who have little hope of ever becoming masters, who are confronted with prohibitive entrance fees for admission into the mystery, but in some trades the masters have gone so far as to exact an oath from apprentices that they will not set up in business for themselves, even if they can, unless their masters shall give hereto their special consent. We see the legislature and town-council trying to intervene in favor of the journeymen. As Professor Ashley justly observes, "the evil must have been unendurable before the town council would interfere; for in most places the mysteries were so powerful that the municipal authorities were only too ready to support the master-craftsmen.[2]

Marx was not unaware of the difference between mediæval masters and journeymen when he was developing, in the opening lines of his *Manifesto*, his doctrine of class-struggle; but whenever he discussed the city proletariat as a product of modern capitalism, totally and fundamentally differing from any working class in the past, he ignored the extent to which those journeymen were a class.

In some degree, however, Marx's failure to distinguish between masters and journeymen in the middle ages is justifiable. The difference in the economic well-being between the so-called independent master, the possessor of the so-called "means of production," and his dependent hired men was slight. We have the English laws and regulations concerning wages from 25 Edward III (1350). These regulations fixed the maximum wage for laborers and artificers. The employer who should pay,

[1] "Whereas, heretofore, if there was any dispute between a master in the trade and his man (vadlett), such man has been wont to go to all the men within the city of the same trade, and then, by covin and conspiracy between them made, they would order that no one among them should work or serve his own master, until the said master and his servant or man had come to an agreement; by reason whereof the masters in the said trade have been in great trouble, and the people left unserved; it is ordained, that from henceforth, if there be any dispute moved between any master and his man in the trade, such dispute shall be settled by the wardens of the trade." W. J. Ashley, Introduction to English Economic History and Theory (New York, 1893), II, 104.

[2] *Ibid.*, p. 105.

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as well as the artisan who should demand and receive, higher wages than those enacted were to be fined and severely punished. The schedules of wages were revised and changed by successive legislatures, and afford therefore an insight into the actual economic conditions and standard of living of those independent producers of the middle ages who appeal so strongly to our imagination. From the Statute of Laborers we learn that the artisans were to be sworn twice a year to observe the regulations. Their wages were settled in 1350 in the following proportion:[1]

From Easter to Michaelmas, without Diet

A master carpenter by the day	3*d*
A master free mason by the day	4*d*
Other carpenters by the day	2*d*
Other masons by the day	3*d*
Their servants by the day	1½*d*
Tilers by the day	3*d*
Their knaves by the day	1½*d*
Other coverers of fern and straw by the day	3*d*
Their knaves by the day	1½*d*
Plasterers and other workers of mud-walls by the day	3*d*
Their knaves by the day	1½*d*

The purchasing power of these wages is indicated by the allowance made for food, *i. e.*, by the difference of the wages of artisans with and without diet. For the following century, when wages were somewhat higher, we have wage lists showing this difference, and the cost of food per day for one man or woman is taken to be from three half-pennies to two pence, usually two pence. Here is the wage list of the year 1496, with and without diet:[2]

[1] *Cf.* Sir Frederick Morton Eden, The State of the Poor, or an History of the Labouring Classes in England (London, 1797), I, 33. "In 1360 the Statute of Labourers was confirmed by Parliament, and the observance of it enforced under penalty of imprisonment for fifteen days and burning in the forehead with an iron in the form of the letter F." *Ibid.* p. 36.

[2] *Ibid.* p. 75.

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	From Easter to Michaelmas	*From Michaelmas to Easter*
A free mason, A master carpenter, A rough mason, A bricklayer, A master tiler, A plumber, A glazier, A carver, A joiner	with diet 4*d*, without diet 6*d*	with diet 3*d*, without diet 5*d*
Other labourers (except in harvest)	with diet 2*d*, without diet 4*d*	with diet 1½*d*, without diet 3*d*
Master carpenters and masons having under them six men	with diet 5*d*, without diet 7*d*	

In Harvest

Every mower by the day	with diet 4*d*,	without 6*d*
A reaper	" 3*d*,	" 5*d*
A carter	" 3*d*,	" 5*d*
A woman and other labourers	" 2½*d*,	" 4½*d*

The master, we observe, when employed, is allowed three times the cost of his own food for the feeding of himself, wife and family, housing, clothing and other necessities—a standard of life to which the proletarian of today has no cause to look back with envy or regret.

The wages in other trades are similar.

	With meat and drink	*Without meat and drink*
A master ship carpenter having charge of the work and having men under him	5*d*	7*d*
Another ship-carpenter called a hewer	4*d*	6*d*
An able clincher	3*d*	5*d*
An holder	3*d*	5*d*
A master caulker	4*d*	6*d*
Another mean caulker	3*d*	5*d*
A caulker laboring by the tide, for every tide	4*d*	

From Michaelmas to Candlemas the wages of these artificers are to be 1*d* a day less.

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The wages gradually increased, but it is doubtful if they increased more rapidly than the cost of living. Sir George Nicholls gives us the following table:

		1495	1593	1610
Artificers without diet	in summer	6*d*	8*d*	10*d*
	in winter	5*d*	7*d*	8*d*
Labourers without diet	in summer	4*d*	5*d*	7*d*
	in winter	3*d*	4*d*	6*d*

His comment upon these figures is:

On the whole, then, it may, I think, be assumed that at the end of Elizabeth's reign, notwithstanding the increase which had taken place in the price of all commodities, the great mass of the English people were able, by a due exercise of industry, to obtain as large an amount of subsistence and physical enjoyment as at any former period.[1]

The alleged welfare of the laboring class of the past as compared with our proletariat of to-day may therefore be seriously questioned. But in the course of centuries certain relations and regulations had worked themselves out, which insured at least the bare existence of the master and of the laboring man. The industrial revolution brushed aside all the old regulations, substituting for them "industrial liberty." The modern proletariat is a legitimate child of this industrial liberty, which for a few decades seriously aggravated the conditions of the laboring population. The industrial transformation, the centralization of scattered industry and the resultant concentration of workingmen in large cities tended to consolidate this laboring population into a class and added greatly to its political significance.

The dynamic conception of society and its structure—the conviction that no type of social order is permanent and immutable, that the social order is subject to change and rational improvement—this conception, foreign to the modern world before the eighteenth century and the French Revolution, opened new vistas and possibilities to the laboring men as well as to their

[1] Sir George Nicholls, A History of the English Poor Law in connection with the State of the Country and the Condition of the People (new edition, New York, 1898), vol. i, pp. 204–225. See also pp. 79–81, 100, 101, 135, 155, 269–271 and 356.

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masters. They were allies without distinction in their struggle in the name of democracy, against the old feudal order. But very soon the hopes and prophecies of democracy were differentiated. The interpretations put upon the word varied so greatly that those differing in its interpretation began to regard each other as belonging to a dangerous and undesirable class. Is it not natural that men who are tied during the long day to a machine in the factory, and who sleep in dingy tenements, should look forward to something better; that men who have so little else should have a wealth of hope? In their visions the laboring masses of today certainly differ from the *plebs misera* of past centuries. Their aspirations stamp them as a modern product. Their hope, industrial democracy, is based on a reasonable expectation that the political efforts of enfranchised citizens will result in ultimate success. The industrial proletariat of today is therefore not so much a new economic entity as a new politico-psychological element in our body politic.[1] If the sole characteristic of an industrial proletariat were poverty, there would be nothing new in the proletariat of today. The poverty in Merry

[1] It is almost incredible that a man like Sombart, who made a reputation as an exponent of the proletarian movement and its theory, should in his recent booklet give the following characteristic of the proletarian: "Der Proletarier weiss ebenso wenig von einer Dorf- und Geschlechtergemeinschaft wie von einer Familiengemeinschaft, ebenso wenig von einer Berufsgemeinschaft wie von einer Arbeitsgemeinschaft. Er ist vereinzelt, vereinsamt, mit seinen Genossen nicht enger verbunden als das einzelne Sandkorn mit dem andern im grossen Sandhaufen. Wie ein vom Baum gewehtes Blatt das der Wind über die Fluren treibt." Werner Sombart, Das Proletariat: Bilder and Studien, p. 14. If this were true, there would be no proletarian movement. In an earlier book Sombart gave us a more sensible description of the psychological makeup of the proletariat: "In the tenement houses, the huge manufactories, the public houses for meetings and for pleasures, the individual proletarian, as if forsaken by God and man, finds himself with his companions in misery again together, as members of a new and gigantic organism. Here are new societies forming, and the new communities bear the communistic stamp, because of modern methods of work. And they develop, grow, establish themselves in the mass of men, in proportion as the charm of separate existence fades from the individual; the more dreary the attic room in the suburb of the city, the more attractive is the new social centre in which the outcast finds himself again treated as a man. The individual disappears, the companion emerges. A uniform class consciousness matures itself, also the habit of communal work and pleasure. So much for the psychology of the proletariat." Sombart, Socialism and the Social Movement of the Nineteenth Century, translated by Anson P. Atterbury (Chicago, 1902), pp. 14, 15.

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England was appalling, but England was merry; we are told that in one reign 70,000 paupers and vagabonds were executed, but we are not told that it made any political impression. It is not uninteresting to note that two of the ablest Russian statesmen of the time of Nicholas I, Count Kisseleff and Count Cancrin, argued in favor of agricultural poverty as compared with industrial wealth, because of fear of the political significance of an industrial proletariat.[1] Recent history has proved that, from their point of view, they were right. Not the starving millions of peasantry but the comparatively small industrial proletariat has precipitated and carried on the Russian revolution.

In gathering scattered production modern industry has gathered and united the scattered workers; and in so far as these men work and live under the same conditions and have the same interests they are bound to develop a comradeship and fellow-feeling which could not flourish in the same degree in the past. In this sense it is quite true, that with the advent of modern industry a new economic and political element, the industrial proletariat, has made its appearance. The significance of the proletariat as a class will be discussed later. For the moment we are occupied with the Marxian view of the "proletarisation of the masses."

In 1847, when German industry was in its beginnings, Marx informed us, in his *Manifesto*, that the proletariat class formed the great majority of the people. "All previous historical movements," he wrote, "were movements of minorities, or in the interest of minorities. The proletarian movement is the self-conscious, independent movement of the immense majority, in the interest of the immense majority."[2] What is meant here by the "proletariat"? Simply poor people? Not today only, but throughout the historic period of our society the poor people have constituted the overwhelming majority. But that could scarcely encourage Marx. What reason had he to suppose that

[1] [Cancrin] Die Oekonomie der menschlichen Gesellschaften und das Finanzwesen, von einem ehemaligen Finanzminister (Stuttgart, 1845), pp. 59, 60. *Cf.* Zablocki-Dessyatkovski, Count Kisseleff and his Times (St. Petersburg, 1882), II, 199.

[2] Communist Manifesto, p. 30.

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in the future this majority would feel and act otherwise than it had felt and acted in the past?[1]

Marx fully realized that poverty as such creates no radical or revolutionary class. The defeat of the socialist projects of the Paris proletariat and the election of a Louis Bonaparte were ascribed by Marx himself to the poor French peasantry.[2] The *Lumpenproletariat*, also the pauper and dependent class, Marx himself excluded from the proletarian army, and for good reasons: "The social scum, that passively rotting mass thrown off by the lowest layers of an old society, may, here and there, be swept into the movement by a proletarian revolution; its conditions of life, however, prepare it far more for the part of a bribed tool of reactionary intrigue."[3] It is obvious, therefore, that Marx, in talking about the proletariat, has in mind men and women employed in capitalistic industry. Now in 1895, nearly half a century after the *Manifesto* was published, the number of men and women employed in all capitalistic enterprises, in industry, commerce and transportation, was, according to Sombart's calculation, based on the German census, 3,921,571. Deducting from this number the employees of an obviously non-proletarian grade, managers, superintendents, higher em-

[1] That the majority is but a beast of burden in spite of its apparent power, Marx's seventeenth-century forerunner, Campanella had said in a sonnet worth quoting:

Il populo è una bestia varia e grossa,
Ch' ignora le sue forze; e però stassi
A pesi e botte di legni e di sassi,
Guidato da un fanciul che non ha possa,
Che' gli potria disfar con una scossa:
Ma lo teme, e lo serve a tutti spassi,
Nè sa quanto è temuto, chè i bombassi
Fanno un incanto, che i sensi gl'ingrossa.
Cosa stupenda! E' s'appicca e imprigisna
Con le man proprie, e si dà morte e guerra
Per un carlin di quanti egli al re dona.
Tutto è suo quanto stà fra cielo e terra:
Ma no'l, conosce; e se qualche persona
Di cio l'avvisa, e luccide ed atterra.

Opere di Tommaso Campanella, scelte da Alessandro Ancona (Torino, 1854), p. 79.

[2] Marx, The Eighteenth Brumaire of Louis Bonaparte, translated by Daniel De Leon (New York, 1898), p. 71.

[3] The Communist Manifesto, p. 29.

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ployees, officials *etc.*, he estimates that the rest number about three and one-half millions, or about thirteen to fourteen per cent of the population.[1] Accordingly, even now, a movement that should include the whole of the industrial proletariat would still be far from being a movement of the "immense majority."

But we are told that the masses are rapidly being proletarized, that the middle class is rapidly sinking in the proletariat. "As we have already seen," so ran the statement of the *Manifesto*, "entire sections of the ruling classes are, by the advance of industry, precipitated into the proletariat, or are at least threatened in their conditions of existence. These also supply the proletariat with fresh elements of enlightenment and progress."[2] What makes socialism inevitable, Engels tells us, is on the one hand the concentration of capital in the possession of a few and on the other hand the concentration of the propertyless masses in the large cities.[3] Here is the core of Marxian socialism. Not only is the middle class gradually being wiped out, but the lesser capitalists are gradually being reduced to proletarian existences, swallowed up by the greater capitalists. Thus the capitalistic band becomes smaller and smaller, while the army of the proletariat grows by thousands and by millions. And while capital is thus being concentrated in few hands, industry becomes more and more socialized on a national, even international basis. A socialized mode of production is then already in existence, and all that remains for the complete establishment of a socialist commonwealth is the expropriation of the few capitalists by the mass of the people. Socialized production is transformed by a simple political act into socialized property. But, on so important a point, let Marx speak for himself:

As soon as this process of transformation has sufficiently decomposed the old society from top to bottom, as soon as the laborers are turned into proletarians and their means of labor into capital, as soon as the

[1] Sombart, Das Proletariat, p. 5.

[2] The Communist Manifesto, p. 28.

[3] Engels, Landmarks of Scientific Socialism (Anti-Duehring), translated by A. Lewis (Chicago, 1907), p. 179.

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capitalist mode of production stands on its own feet, then the further socialization of labor and further transformation of the land and other means of production into socially exploited and therefore common means of production, as well as the further expropriation of private proprietors, takes a new form. *That which is now to be expropriated is no longer the laborer working for himself, but the capitalist exploiting many laborers. This expropriation is accomplished by the action of the immanent laws of capitalistic production itself, by the centralization of capital. One capitalist always kills many.*[1] Hand in hand with this centralization, or this expropriation of many capitalists by few, develop, on an ever-extending scale, the coöperative form of the labor-process, the conscious technical application of science, the methodical cultivation of the soil, the transformation of the instruments of labor into instruments of labor only usable in common, the economizing of all means of production by their use as the means of production of combined, socialized labor, the entanglement of all peoples in the net of the world-market, and with this, the international character of the capitalist régime. *Along with the constantly diminishing number of the magnates of capital,*[2] who usurp and monopolize all advantages of this process of transformation, grows the mass of misery, oppression, slavery, degradation, exploitation; but with this too grows the revolt of the working class, a class always increasing in numbers and disciplined, united, organized by the very mechanism of the process of capitalist production itself. The monopoly of capital becomes a fetter upon the mode of production which has sprung up and flourished along with and under it. Centralization of the means of production and socialization of labor at last reach a point where they become incompatible with their capitalist integument. This integument is burst asunder. The knell of capitalistic private property sounds. The expropriators are expropriated . . . The transformation of scattered private property, arising from individual labor, into capitalistic private property is, naturally, a process incomparably more protracted, violent and difficult than the transformation of capitalistic private property, already practically resting on socialized production, into socialized property. In the former case, we had the expropriation of the mass of the people by a few usurpers; in the latter, we have the expropriation of a few usurpers by the mass of the people.[3]

[1] Italics are mine. [2] Italics mine.

[3] Marx, Capital (English translation, 4th edition, London, 1891), I, 788, 789.

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If Marx has correctly formulated the economic tendency, if capital tends invariably towards concentration in the hands of a narrowing circle of magnates while the rest of the population is rapidly being proletarized, it is really marvelous that a social revolution has not yet overtaken this iniquitous system, to which practically the whole of the people must be opposed. If the capitalistic class, which alone has any real interest in the protection of property, is rapidly diminishing; if the future has nothing in store for the self-respecting middle class but misery and degradation; then indeed it takes no prophet to foretell that the title of the few magnates to their wealth is not worth the paper on which it is written. Then indeed are the days of the present economic organization numbered; and Bebel was quite right when, in addressing his party convention in 1891, he declared: "Yes, I am convinced that the realization of our ultimate aims is so near that there are but few in this hall who will not live to see that day."[1]

Let us however test the abstract proposition by the facts. Let us take, for example, the Prussian income statistics. The Prussian statistics, as we all know, are relatively the most accurate in existence.[2] In Prussia we have data of a graduated income tax for over half a century, coinciding with the period of the most rapid industrial transformation. These data, it is obvious, are especially valuable for our purpose.

From the point of view of income the German population is usually divided into three groups: a lower class, a middle class and an upper class. Each of these three classes are subdivided into three strata: a lower, a middle and an upper. They represent the following individual yearly incomes:

[1] Protokoll über die Verhandlungen des Parteitages der socialdemokratischen Partei Deutschlands, abgehalten zu Erfurt, 1891, p. 172.

[2] All the figures given below are taken from the two monographs of Adolph Wagner, published in the *Zeitschrift des Königlich Preussischen Statistischen Bureau* (Berlin, 1904), vol. 44, pp. 41–122; and 229–267: "Zur Methodik der Statistik des Volkseinkommens und Volksvermögens, mit besonderer Berücksichtigung der Steuerstatistik" and "Weitere statistische Untersuchungen über die Verteilung des Volkseinkommens in Preussen auf Grund der neuern Einkommensteuerstatistik (1892–1902)."

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I. Lower class.	lower stratum	up to		500	marks.[1]
	middle	"	500 to	900	"
	upper	"	900 to	2100	"
II. Middle class.	lower	"	2,100 to	3,000	"
	middle	"	3,000 to	6,000	"
	upper	"	6,000 to	9,500	"
III. Upper class.	lower	"	9,500 to	30,500	"
	middle	"	30,500 to	100,000	"
	upper	"	over 100,000		"

The following table shows, at ten periods during the fifty years 1853–1902, the absolute number of persons in the upper stratum of the lower class and the lower stratum of the middle class, and the absolute number and percentage of persons in the middle and upper strata of the middle class and in the upper class. All the figures given in the first three columns are thousands (000 omitted).

Year	Population	Number taxed on incomes		Percentage taxed on incomes over 3000 marks
		900 to 3000 marks	over 3000 marks	
1853	16,870	825	44.4	0.263
1867	19,157	963	72.9	0.380
1870	23,909	1,319	106.4	0.445
1873	24,644	1,370	123.3	0.500
1878	25,748	1,356	167.3	0.650
1882	26,820	1,304	162.6	0.683
1891	29,456	1,743	254.3	0.863
1892	29,895	2,119	316.9	1.060
1896	31,349	2,321	331.1	1.057
1902	35,551	3,310	449.7	1.301

The absolute number of middle and upper-class tax-payers in the same years are given in the following table. The figures in the first column are thousands.

[1] Incomes below 500 marks are now extremely rare in Germany; they represent as a rule the lower agricultural laboring class. In the 500–900-marks group belong the poor peasantry and the poorly-paid workingmen. The 900–2100-marks group includes clerks and salesmen, skilled workingmen, younger officials, public school teachers, well-to-do peasants, artisans and petty store and saloon-keepers. Specially skilled mechanics are often found in the lower stratum of the middle-class group with incomes of 2100–3000 marks.

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YEAR	MIDDLE CLASS INCOMES				UPPER CLASS INCOMES	
	2100 TO 3000	3000 TO 6000	6000 TO 9500	9500 TO 30,500	30,500 TO 100,000	Over 100,000
1853 . .	46.9	32,003	7,239	4,463	640	62
1867 . .	81.1	50,966	12,224	8,211	1,348	144
1870 . .	112.4	75,851	17,434	11,027	1,911	199
1873 . .	119.6	85,603	20,813	13,650	2,815	423
1878 . .	153.5	121,071	25,350	17,457	3,054	375
1882 . .	150.0	131,310	27,958	19,580	3,403	434
1891 . .	185.1	180,862	38,275	28,776	5,442	915
1892 . .	223.4	204,544	55,561	46,092	9,034	1658
1896 . .	260.1	214,960	57,859	47,308	9,265	1699
1902 . .	321.3	291,341	77,638	64,737	13,205	2762

We see from these figures how utterly unwarranted is the idea of the proletarization of the middle class. With all due allowance for the increased cost of living, we find the number of the well-to-do absolutely and relatively to the whole population on the increase. The same is true about the very rich.

The following little table gives the growth of the multimillionaire incomes in Prussia during the same period.

YEAR	INCOMES			
	100,000 TO 500,000	500,000 TO 1,000,000	1,000,000 TO 2,000,000	OVER 2,000,000
1853	60	2		
1867	135	9		
1870	187	12		
1873	391	32		
1875	399	18	4	4
1882	407	22	2	3
1891	859	43	8	5
1892	1555	72	27	4
1896	1596	76	20	7
1902	2594	108	44	16

Marx's formula "One capitalist always kills many," can hardly be regarded as a statement of fact. In 1854 Berlin had only six men possessing over three million marks; in 1900 it had 639 in

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this class. In 1854 there were in Berlin 23 men worth a million and a half each; in 1900 there were 1323 in this group. And with all due respect to German honesty, it is well to remember that men are not likely to overestimate either their income or the value of their property when it comes to paying taxes.

The English income statistics present greater difficulties, owing to their arrangement in schedules, every taxpayer declaring his income on different schedules according to its character and source. If we take the incomes assessed under Schedule D, incomes from trades and professions, we find for the decade 1877–1886 the following changes:

Incomes	1877	1886	Percentage of change
Between £150 and £1000 . . .	317,939	379,064	+19.26
£1000 and upwards	22,848	22,298	—2.40

These figures led Goshen, then chancellor of the Exchequer, to enunciate the thesis of a decentralization of wealth. It was however a period of depression. The data of tax assessments under Schedule D for the following decade do not show the same ultra-democratic tendency.

Incomes	1888–89	1893–94	Percentage of change
£150 and under £500	347,520	362,048	+4.18
£500 and under £1000	31,084	32,737	+5.32
£1000 and under £5000	18,665	20,431	+9.46
£5000 and over	2,965	3,149	+6.21

Incomes [1]	1894–95	1897–98	Percentage of change
Exceeding £160 and not exceeding £500 .	278,370	306,200	+10.00
Exceeding £500 and not exceeding £1000 .	26,790	27,779	+ 3.69
Exceeding £1000 and not exceeding £5000.	17,146	18,113	+ 5.64
Exceeding £5000 and over	2,785	3,141	+ 2.78

[1] Note the change of the lower limit from £150 to £160.

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These fluctuations of incomes from trades and professions under Schedule D do not substantiate Goshen's premature thesis of the decrease of great wealth, but they undoubtedly indicate a steady growth of the middle class. It must be borne in mind that these figures do not include the incomes of the taxpayers as shareholders of companies, whose profits are assessed in the lump. And the army of stockholders presents a steady and enormous growth. In 1887 Goshen wrote:

> I have examined the figures of twelve companies, taken entirely at random—an insurance company, a water-works company, an industrial company, and so forth, and I have compared their capital and the number of shareholders ten years ago with the capital and the number of shareholders at present. Here is the result: the total paid-up capital of the twelve companies in 1876 was £5,171,649; in 1886 it had become £6,501,582, an increase of 25 per cent. But the shareholders in them had increased during the same ten years from 11,667 to 20,083, an increase of 72 per cent.[1]

Here we come to a point which Marx has obviously overlooked: the economic significance of the joint stock company. The assumption that centralization of industry signifies centralization of ownership and capital is false. The opposite is the economic tendency; and this fact is acknowledged by such enlightened and scholarly socialists as Eduard Bernstein.[2] In England, in recent years, numbers of smaller firms have been merged in larger stock companies. On April 1, 1904, there were 37,287 such stock companies registered in England, many of these companies representing consolidations of a number of industrial or commercial firms, but the organization as joint stock companies meant a wider distribution of both income and ownership. Here is an example:

[1] Viscount Goshen, Essays and Addresses on Economic Questions (London, 1905), pp. 231, 232.

[2] Eduard Bernstein, Die heutige Einkommensbewegung und die Aufgabe der Volkswirtschaft (Berlin, 1902). See especially chapter iii (pages 24–32) on "Die Conzentrierung der Unternehmungen und die Dezentralisierung der Eigentumstitel."

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Name of Company	Capitalization	Stocks retained by the vendors	Number of firms amalgamated	Number of stockholders
Fine Cotton Spinners	£4,000,000	£1,333,350	31	3,934
Bradford Coal Dyers	3,000,000	1,000,000	22	10,731
Bradford Coal Merchants . .	199,790	119,790	8	237
Aberdeen Comb Works . . .	300,000	133,333	3	677
Cooper, Cooper and Johnson.	340,000	70,000	3	2,082
	£7,839,790	£2,656,473	67	17,661

Instead of 67 firms, 17,661 stockholders. True, about one-third of stock, probably sufficient to ensure the control of the enterprises, was retained by the original firms, but the remaining two-thirds were distributed. The members of the original 67 firms have probably become employees of the five new companies; but the change in their position is hardly to be viewed as a case of "proletarization," since, in addition to their salaries as company employees, they are receiving dividends on two and a half millions' worth of stock. The above example is characteristic of the whole recent industrial development. In five English brewing concerns we find that the stock is held by 27,052 persons. "Thomas Lipton," the grocery trust, has 74,262 shareholders; "Spiers and Pond" in London has 4650 stockholders, and of these but 550 hold more than £500 worth of stock.

The development of stock companies explains why the number of moderate incomes from trades and professions, taxed under Schedule D, has not recently increased as rapidly as in the seventies and eighties. A large number of small tradesmen formerly assessed under Schedule D are now assessed as employees of public companies under Schedule E.[1] If we exclude from this schedule the eighty-odd thousand army, navy and civil-service employees, we find that the number of employees of corporate bodies and of public companies increased more than one hundred per cent in fifteen years. The figures are:

[1] Goshen, *op. cit.*, p. 249.

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1888–89 . . . 130,862	1894–95 . . . 155,752[1]	1898–99 . . . 223,391
1893–94 . . . 166,161	1897–98 . . . 187,240	1902–03 . . . 272,500

The same rapid growth of the army of stockholders is to be found in the United States. Some of our principal railroads, for example, show the following increases in the numbers of shareholders during the last four years:

	1904	*1908*
Pennsylvania	42,100	59,600
Atchison	17,800	25,000
New York Central	11,700	22,000
Union Pacific	14,200	15,000
Southern Pacific	4,400	15,000
Great Western	5,900	10,000
Erie	4,300	10,000
Delaware and Hudson	3,800	5,800
Norfolk and Western	2,900	4,500
Chesapeake and Ohio	1,500	2,600

The American railroads count today about half a million stockholders as against 350,000 five years ago. The same decentralizing tendency is discernible in our industrial companies. The United States Steel Corporation counts today about 110,000 stockholders; the Bell Telephone, 24,100; American Sugar, 20,000; Amalgamated Copper, 18,000; Pullman, 13,000. The total number of American shareholders is now estimated to be about 2,000,000.

Thus, wherever we look, we find a steady increase of the middle class. In 1851 there were in England about 300,000 persons with an income of £150–1000, in 1881, about 990,000. While the population during that period increased in the ratio of 27:35, the English middle class increased in the ration of 27:90, *i. e.* 233 per cent. In 1898 Bernstein estimated the number of middle-class taxpayers at a million and a half.[2] Not only has the middle class, whose extermination is so essential to the triumph

[1] This decrease is due to the raising of the exemption limit from £150 to £160.

[2] Bernstein, Die Voraussetzungen des Sozialismus und die Aufgaben der Sozialdemokratie (Stuttgart, 1899), p. 49.

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of socialism, greatly increased,[1] but so have the numbers of co-partners of the great capitalistic enterprises—the army of stock-holders, enlisted in the defence of capital and of vested interests.[2] It has been argued that Marx's analysis of our capitalist system was based on the assumption of free competition and failed to take into account the economic effects of corporate methods of business, and that, if competition were unchecked and there were no joint stock companies, the concentration of capital in the hands of the few and the proletarization of the middle class would be unavoidable. Possibly this is true; but it is not particularly useful to consider how different things would be if things had been different. The fact remains that the economic development has taken a turn which Marx did not foresee; and Karl Kautsky remained a true exponent of orthodox Marxism, when he exclaimed, at the Stuttgart Socialist Convention:

Yes, if that is true, then not only is the day of our victory ever to be postponed, but we can never reach our aim. If capitalists are on the increase and not the propertyless, then the development is setting us back further and further from our goal, then capitalism intrenches itself and not socialism, then our hopes will never materialize![3]

VLADIMIR G. SIMKHOVITCH.

(To be continued.)

[1] "Wie steht es nun aber thatsächlich mit der Einkommenbewegung auf die Classe der Reichen? Soweit wir eine Statistik darüber haben, zeigt sie uns in allen modernen Ländern *statt einer Verengerung eine Erweiterung des Kreises der Reichen*." Bernstein, Die heutige Einkommenbewegung (1902), p. 21.

[2] "Das Heer der Aktionäre bildet heute in jeder Hinsicht, politisch und sozial, die Schutzgarde des Kapitals. Was wäre die Handvoll Magnaten ohne den Hunderttausende zählenden Tross der mittleren und kleineren Aktionäre? Was könnten sie gegen die öffentliche Meinung? Nichts! Der erste Sturm würde ihren Widerstand brechen. Aber zusammen mit den Halben-, Viertels-, Achtelsmagnaten bilden oder beherrschen sie das, was man die öffentliche Meinung nennt." Bernstein, Die heutige Socialdemokratie in Theorie und Praxis (München, 1906), p. 32.

[3] Protokoll über die Verhandlungen des Parteitages der sozialdemokratischen Partei Deutschlands, ab gehalten zu Stuttgart, 1898, p. 128.

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THE MANORIAL SYSTEM AND THE FRENCH REVOLUTION

I. RECENT PUBLICATIONS

"IT is the play of economic interests, of social forces," M. Jaurès has said,[1] "which determines the movement of history and which gives it a meaning." On this basis the history of the French Revolution, like most other history, is being rewritten;[2] and no aspect of it has come into greater prominence than the economic condition of the peasantry—the manorial system and the circumstances attending its overthrow. The recent publication of valuable documents, of numerous monographs and magazine articles suggests the pertinence of reviewing the conclusions which have been reached on this subject and the points upon which the writers still disagree.

A word may be said, first of all, as to the sources from which our new light comes. Anyone who has been accustomed to refer to Taine or Louis Blanc or Carlyle for information on such economic questions will realize, when he has looked over the materials now at our command, how great our obligations are to the laborious researches of the new historical school. The French government has long been active in the publication of historical material. Its *Comité des travaux historiques et scientifiques* has for years done notable service; and in December, 1903, the minister of public instruction appointed a commission which should supervise the printing of documents relative to the economic phases of the Revolution.[3] The chairman of that commission is M. Jean Jaurès, to whose initiative its formation was due; and it includes forty-four members, men like MM. Esmein, Levasseur, Sagnac and Seignobos, whose names are familiar to American students. Twenty-three works are completed or in preparation.

One of the most notable of these has just appeared under the title *Les Comités des droits féodaux et de législation et l'abolition du régime seigneurial, 1789–1793*.[4] In this bulky volume MM. Sagnac and Caron have included about one-twelfth of the documents which passed

[1] *La Révolution française*, XLVI, 452.

[2] For recent developments in the literature on this subject see an article by J. H. Robinson in the *American Historical Review*, April, 1906.

[3] For details regarding the commission see P. Caron in *Revue d'histoire moderne et contemporaine*, VIII, 545–549.

[4] Paris, 1907.

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through the hands of the committees mentioned in the title. These have been divided chronologically into three groups, relating to the most important legislation of 1789, 1790 and 1792, and at the same time they have been classified methodically under such headings as *mainmorte*, *domaine congéable*, *corvée*. By way of further assistance to the reader, the editors have provided not only the usual table of contents but a list of the documents (giving date, title, source) and, finally, an alphabetical index.

It cannot be said, however, that this volume throws any new light on the difficult questions of the period. To historians the documents are not new. They were used freely by M. Karéiew in 1879 and by M. Sagnac in 1898. But to students and writers to whom the national archives are inaccessible the value of the work is great indeed. It gives striking indications of the temper with which the country received the decrees affecting manorial rights; some insight into the varying motives which led *seigneur* or *censitaire* to oppose them; and illustrations of the great practical difficulties, often on minute technical points, which stood in the way of legislation. The documents fall roughly into two classes: (1) those emanating from the committees, the decrees and the decisions on particular questions submitted for settlement, and (2) petitions and addresses, suggestions and complaints from manorial lords, peasants, officials, municipalities. Obviously there is some difference in their value. The former are most essential to a comprehension of the complicated character of the manorial legislation. They are pronouncements and applications of law. The latter are merely expressions of opinion. But because of the uniformity of tone of the various documents when compared, and because of the consistency of their evidence with the results of investigations among the administrative papers of *intendants*, in the *cahiers etc.*, we are justified in regarding them as one of the most trustworthy and important sources for the economic and social history of the period. As a complement to the *cahiers* of 1789—the statements of grievances which were compiled in all the parishes of France, recast in the electoral districts and sent to Versailles—they have a peculiar interest. When the *cahiers* were drawn up, the future must have looked to the peasant very uncertain. He feared that, if the lords came through triumphantly, indiscreet utterances would be visited with "incessant and odious revenge." We hear, to use the expression of M. Brette, the voice of men who have struggled long, who have suffered long, but who cannot say all.[1] In the documents of the feudal committees, on

[1] *Révolution française*, LII, 467.

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the other hand, the voice has gained the full note of confidence. No longer is the Revolution in doubt.

The commission has also undertaken to produce a full edition of the *cahiers*. It is true that seven volumes of the *Archives parlementaires* are devoted to them; but the editing was so careless that no serious work can be based upon them,[1] and the *cahiers* selected are for the most part those of the electoral districts, *i. e.*, those of the parishes and towns, in a revised, simplified and mutilated form. It has been estimated that a complete edition of the *cahiers* would fill more than a hundred quarto volumes instead of seven.[2] The task which the government commission has before it is a heavy one. So far, however, seven volumes have appeared, and these have justified in every way the high expectations which were entertained.[3]

The *cahiers* have suffered much from fetich worship. They have also had to stand against much hostile criticism. M. A. Wahl of Freiburg, a reactionary who shows no love for the Revolution, has attacked them at many points, but chiefly as interested exaggerations inspired by agitators whom he compares with the German social democrats of to-day. They made exceptions appear to be general rules, hoping that exaggeration of their miseries would bring more rapid and more complete relief.[4] M. I. Loutchisky, whose method is statistical, discarded the *cahiers* in his work on small properties.[5] Finding them inexact, lacking in precision, he preferred to use the official returns of assessors and taxgatherers. He seems to have erred in putting too much faith in the official seal. All the statistics of the old régime are disordered and unreliable,[6] and fiscal documents may have taken a good deal of their color from carelessness as well as corruption. Although the scepticism of MM. Wahl, Loutchisky and others has had the salutary effect of inducing a more critical attitude toward the *cahiers*, they remain, as M. Sagnac said recently,[7] "the most important and precious monument of our history and the most authentic testament of the old French society." But faith in them falls far short of super-

[1] A. Brette in *Révolution française*, XLVII, 26. [2] *Ibid.*, p. 23.

[3] These are the cahiers of the bailliage of Orleans, edited by C. Bloch in two volumes; of the sénéchaussée of Angoulême and the siège royal of Cognac, edited by P. Boissonnade; of the bailliage of Cotentin, edited by E. Bridrey; of the bailliage of Châlons-sur-Marne, edited by G. Laurent; of the Sénéchaussée of Marseille, edited by J. Fournier; and of the Sénéchaussée of Nîmes, edited by E. Bligny-Bondurand.

[4] A. Onou in *Révolution française*, XLIX, 388 *et seq.*

[5] *Ibid.*, XLII, 340; XLIX, 387.

[6] *Ibid.*, XXXIV, 372; XLIX, 413. [7] *Revue d'histoire moderne*, VIII, 349.

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stition. "We do not have to use the *cahiers* as a sole source," says M. Sée, "nor even to consider them as the most certain source."[1] This dispassionate spirit animates most of the contemporary writers who have tried to reconstruct the economic life of the peasant during the Revolution.[2]

[1] *Révolution française*, XLVII, 46.

[2] As will be seen from Karéiew's article in *Révolution française*, XLII, 321 *et seq.*, Russian names are prominent among these writers. To the Russians is due, in great part, the honor of having recommended and followed the true historical method in this field, of having searched in the archives with laborious zeal for the traces of the social facts which they wished to describe. First upon the field was M. N. Karéiew, whose work, Les Paysans et la question paysanne en France dans le dernier quart du xviii siècle, appearing in 1879, was translated from the Russian twenty years later. It was epitomized by A. Maury in the *Journal des savants*, July–Sept., 1880, and reviewed more recently in the *English Historical Review*, XVI, 178–182, and in the *Revue historique*, LXXXVI, 382–386. The book discusses exhaustively the position of the peasant under the manorial system and the effects of the revolutionary legislation. It can no longer be accepted as a guide, because our knowledge has been greatly extended during the last quarter of a century and some of the author's conclusions have been overthrown. But it still enjoys a degree of authority rarely accorded to a pioneer work. Another writer, M. Maxime Kovalewsky, who is best known for his five-volume work on the origins of modern democracy, has published several important articles in the *Revue internationale de sociologie*, IX, 489–514; XIII, 577–620 and 714–765. These articles deal with the economic and social condition of France on the eve of the Revolution. The work of M. Loutchisky has been confined to a narrower field, the investigation of the extent of peasant property. Of his latest book, dealing with the possessions of the peasants in France on the eve of the Revolution, principally in the Limousin (Kiev, 1905), M. Sagnac says: "It renews or rather creates the history of landed property in France in the eighteenth century." *Revue d'histoire moderne*, III, 171. This work has not been translated, but fortunately a long analysis appeared in *Revue d'histoire moderne*, III, 156–171. See also Loutchisky's La Petite Propriété en France avant la Révolution (1897) and his article in the *Revue historique*, LIX, 70-107. We should not forget M. A. Onou (formerly a pupil of Karéiew), who, in addition to his Russian work, has published an important article on the value of the cahiers in *Révolution française*, XLIX, 385–417.

The number of French writers is naturally large. Among them may be noticed: M. Jaurès, who has taken full advantage of special investigations and whose Histoire socialiste (reviewed by C. A. Beard in POLITICAL SCIENCE QUARTERLY, XXI, 111–120) has vindicated the right of economic questions to a commanding place in general history; M. Edme Champion, who has written an excellent little book on La France d'après les cahiers de 1789 (Paris, 1897); M. Henri Sée, who has made an intimate study of Les Classes rurales en Bretagne du xvi^e^ siècle à la Révolution (1906), and who has published an article under the same title in the *Revue d'histoire moderne*, VI, 309–324, examined the Breton parish cahiers in *Révolution française*,, XLVI, 487–513, and XLVII, 28–46, and explained the general significance of the manorial system in *Revue d'histoire moderne*, X, 173–191; M. C. Bloch, whose attention has been concentrated in a similar way on Orleans, and who has

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II. THE MANORIAL SYSTEM IN 1789

The manorial system of the middle ages was part of the feudal system;[1] part, that is, of an organization which had government as its chief object. The feudal hierarchy, conducting the business of administration, justice and war, rested for support, as all governments must do, upon the mass of the people. It was the labor of the serf upon the landed estates of the governing class, the manors, that paid the expenses of government. And the serf, besides being bound to labor for his lord and make him certain payments in kind, was subject to numerous restrictions, such as being under the lord's jurisdiction and being unable to leave the manor or marry without his lord's consent.

Now in 1789 feudalism was not at all what it had been five hundred years before. The chief alteration lay in the supplanting of aristocratic by monarchic government. The king had steadily absorbed the political and judicial powers of the nobles and extended the imposition of royal taxes. The peasants therefore, besides supporting the church, found themselves subject to a double exploitation. They were supporting two governments: the actual, effective government of the king, levying its *taille*, its poll-tax and its twentieths, and the government *emeritus* of the feudal nobles who, having dropped out of politics, devoted themselves with great assiduity to social relaxations and collected *cens* and mutation fines as of old to pay for their dinners and their dances.

Viewed in this light, the situation of the peasant seems hard indeed, almost intolerable. But in certain important respects the relations between manorial lord and serf had been greatly modified. As M. Kovalewsky has shown, the money payments into which the labor dues had been commuted (especially in the north),[2] had steadily declined in value while the revenues from the peasant's holdings had risen.[3]

edited the cahiers of the bailliage of Orleans and published an article on the division of landed property in the *Revue d'histoire moderne*, II, 246–267; M. Paul Viollet, who contributed to the Cambridge Modern History, vol. viii, a useful chapter on French law; M. Ph. Sagnac, in whose Législation civile de la Révolution française will be found the most authoritative account of the abolition of the manorial system (see also his article on the division of the soil during the Revolution in *Revue d'histoire moderne*, V, 457–470, and the edition of the cahiers of Flandre Maritime which he published with Saint-Leger in 1906); and MM. Aulard, Brette and Caron, who are regular contributors to the historical reviews.

[1] Sée, almost alone among the French writers, makes the distinction between *féodal* and *domanial*; *Séances et travaux de l'Académie des Sciences*, *CLI*, *508*.

[2] Kovalewsky, *Revue internationale de sociologie*, IX, 500; Sée, *Revue d'histoire moderne*, VI, 314, and X, 176. [3] Kovalewsky, *loc. cit.* and p. 496.

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Again, the *cens* which he paid annually was indistinguishable from the ordinary rents, except in origin; and on the fourth of August not a voice was raised in favor of confiscation, not even on the extreme Left where sat Pétion and Robespierre. Finally, the serf had almost everywhere emancipated himself from those obnoxious and humiliating obligations which were the distinguishing mark of serfdom. He was now a *censitaire*, a *métayer*, not a serf.

Yet serfs of a kind still remained, chiefly in Nivernois, Bourbonnais and the eastern provinces which had been acquired by conquest.[1] They numbered perhaps 300,000. What their circumstances were it is not easy to determine; to define their legal status would be a perilous enterprise for any writer. The infinite varieties of servile condition puzzled the ablest contemporaries. Montesquieu, in defining the two kinds of servitude, real mortmain and personal mortmain, thought that the first bound the peasant to the land, the second to the person of his lord.[2] This is corrected by M. Karéiew.[3] The peasant subject to personal mortmain was bound to the soil, unable to leave it or become free; real mortmain, by far the more common variety, affected the peasant only while he held the land and did not prevent his leaving it.[4] Personal mortmain was comparatively rare. Rare also was the right of *formariage* which made marriages between persons of different manors depend on the consent of their lords.[5] A form of serfdom which did not, as a rule, bind the peasant to the soil or limit freedom of marriage was not the serfdom of the middle ages. It was serfdom on its way to extinction. There appears to have been at this time only one test of servile status capable of a general application—the absence of property right in the land.[6] The serf could neither alienate nor sell his holding; and if direct heirs failed or even if his children did not live with him, the holding reverted to the lord.[7] "By 1789, in most cases," says M. Viollet,[8] "the question whether a man was a serf or a freeman was of much more importance to his heirs than to himself."

Although this modified serfdom was for the most part localized in eastern France and existed entirely as an exception, it does not follow

[1] Sagnac, Législation civile, p. 60; Champion, La France d'après les cahiers, chap. x; Karéiew, pp. 19–24. See also Sée, Les Classes rurales en Bretagne, p. 22.

[2] Esprit des lois, livre xv, chap. 10.

[3] Karéiew, p. 20.

[4] The two groups insensibly shaded into each other. Karéiew, p. 24.

[5] Sée, *Séances et travaux de l'Académie*, CLI, 512; Karéiew, p. 25.

[6] Sée, *loc. cit.*; Karéiew, p. 22.

[7] Sée, *loc. cit.*

[8] Cambridge Modern History, VIII, 714.

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that the prevalent tenure was freehold. There were some allodial properties; M. Kovalewsky has proved it from administrative correspondence, the debates of the provincial assemblies and the rural *cahiers*;[1] but when M. Jaurès says[2] that there existed already "innumerable agricultural properties exempt from all feudal right," he is not in line with the specialist authorities. Freehold, like servile tenure, was only an exception.[3] The fact is that, while the peasants had freed their persons and acquired a qualified right of property in the land, the land was still weighted with manorial rights and charges. The jurists recognized a double proprietorship. According to them there could be no land without a lord.[4] The lord, once full proprietor as against the serfs, still retained the *domaine direct*, by virtue of which he received certain payments in kind and in money. The peasant, on the other hand, having acquired a prescriptive right to his little plot of land,[5] enjoyed the usufruct, the *domaine utile*.[6] The jurists regarded him as a proprietor; and it is in this qualified sense that Arthur Young and de Tocqueville refer to the great number of peasant proprietors.

Regarding this matter of small peasant holdings there has been much investigation. Tocqueville, who bases his conclusions on the returns of the land-tax, was the first to maintain that the diffusion of property among the peasants was almost as great before the Revolution as after it.[7] Today this view seems to be firmly established. "Most of the peasants are small proprietors," says M. Sée, who is writing of Brittany.[8] M. Bloch, speaking of Orleans,[9] and M. Loutchisky, speaking of the Limousin villages,[10] hold very much the same opinion. When men of such eminence in this field as MM. Sagnac,[11] Sée,[12] Bloch and Loutchisky are of one mind, we need not hesitate to follow them. M. Karéiew has made his submission; and though his book remains unchanged, a recantation will be found in the preface to the French edition.[13] Against this formidable weight of opinion MM. Champion and Kovalewsky stand out practically alone. The latter condemns, and with some force, the evidence on which Loutchisky bases his estimate of five million proprietors.[14] M. Champion tries to prove the insignificance

[1] *Revue internationale de sociologie*, XIII, 714, 715. [2] Histoire socialiste, I, 19.
[3] Sagnac, p. 59; Karéiew, p. 33. [4] Karéiew, p. 35.
[5] Sée, *Séances et travaux de l'Académie*, CLI, 512.
[6] Viollet, in Cambridge Modern History, VIII, 718, 719.
[7] L'Ancien Régime, libre ii, chap. 1. [8] *Revue d'histoire moderne*, VI, 313.
[9] *Ibid.*, II, 266. [10] *Ibid.*, III, 165. [11] La Législation civile, p. 58.
[12] *Révolution française*, LI, 370. [13] Karéiew, p. x.
[14] *Revue internationale de sociologie*, XIII, 740.

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of peasant property from an examination of the *cahiers*.[1] If there were many small proprietors, he says, where were their lands? And he proceeds to show that in many cases the lord held from one-third to one-half of the land; in "not a few" cases almost all of it. But this argument, even if the evidence which supports it had not been attacked by M. Loutchisky,[2] merely shows that the average peasant did not hold *much* land. And to assert that most of the peasants were proprietors[3] does not necessarily imply that they held most of the land. It does not imply that M. Kovalewsky is wrong when he says:[4] "We give up all effort to determine, even approximately, the extent of the small rural property before the Revolution, and we continue to maintain that the greater part of the lands were held as property by the privileged orders and the bourgeoisie of the towns."[5] In fact, the peasant's holding was small, sometimes ridiculously small, perhaps little more than the cottage itself.[6] The result was that the *censitaire* had to supplement the revenue of his land by becoming either a *métayer* or a day-laborer.[7] By the system of *métayage* the lord received usually a half, sometimes a third or a fourth, of the harvest.[8] It was so prevalent that Karéiew calls it "the type of the tenure of land by the French peasant." With the growth of large farming the demand for day-laborers increased. They numbered, says M. Sée,[9] a quarter or a fifth of the rural population and were the most wretched class. According to M. Sagnac[10] they were unemployed for a third of the year. *C'est la misère*. To sum up, the peasant proprietor, often a *métayer* or a day-laborer as well, was possessed of a holding usually small in extent and weighted with manorial rights.

Only a vague indication of these rights can be given here.[11] A closer examination would reveal the most amazing complexities and diversity—

[1] La France d'après les cahiers de 1789, chap. x.

[2] *Revue d'histoire moderne*, III, 158.

[3] M. Champion gives some direct evidence as to the number of proprietors.

[4] *Revue internationale de sociologie*, XIII, 746.

[5] Loutchisky finds that the peasants in the Limousin held half the land (*Revue d'histoire moderne*, III, 160–163); in Laonnais only 30 per cent of it (*Revue historique*, LXVI, 410).

[6] Loutchisky, *loc. cit.*, p. 165; Karéiew, p. 532; Sée, *Revue d'histoire moderne*, VI, 613.

[7] *Révolution française*, LI, 371.

[8] Sagnac, pp. 60, 61; Karéiew, pp. 212–214.

[9] *Revue d'histoire moderne*, VI, 319.

[10] Sagnac, p. 61.

[11] For a summary of manorial rights see Fletcher's Carlyle, I, 274–276, and the appendix to de Tocqueville.

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variations according to the part of the country, north or south, according to the province, even according to the district. They confused the jurists, and the jurists confuse us.[1] Avoiding complicated details, we may take first the *cens*, a kind of perpetual quit-rent. In the north it was usually a money-payment, much reduced by the depreciation of the precious metals;[2] in the south, where the peasant could command little money, it was usually a payment in kind, known as *champart*, *terrage*, *etc.*[3] The *cens* proper was so light that it evoked little complaint in 1789. Not so the *champart*.[4] According to locality it varied from one-sixteenth to one-sixth of the harvest.[5] The peasant found it particularly obnoxious because he could not change the method of cultivation,[6] because he must notify his lord twenty-four hours before the harvest and must often deliver what was due to the manorial barn. Besides this annual payment, the *censitaire* was subject to casual dues: the *corvée* or forced labor, which M. Karéiew puts at five to twelve days a year,[7] and the *lods et ventes* or mutation fines paid to the lord when the land was sold. The latter, though amounting to only a twelfth in Canada,[8] were usually, according to M. Sée, an eighth of the sale-price,[9] according to M. Jaurès between a fifth and a sixth.[10] It was hateful to the English settlers in Canada as a tax upon improvements; and for the same reason we find the peasants of St. Maurice-sur-Fessard terming it "an old custom, barbarous and absolutely opposed to the rights of man." They picture the *seigneur* gazing greedily upon his tenant's new buildings and saying: "One day I will have the sixth part of the value of all these fine things."[11]

The peasants were irritated by *champart* and *corvée*, but far more by the monopolies, fruitful source of abuse and petty oppression. Ancient tolls were collected where the road was no longer repaired and where the bridge was falling into decay.[12] From the dovecotes hundreds of pigeons invaded the fields of grain;[13] from the warrens came innumerable rabbits; and the peasant could not lift a hand against them.

[1] Sée, *Revue historique*, LXXXVI, 383.

[2] Sée, *Revue d'histoire moderne*, X, 176.

[3] Kovalewsky, *Revue internationale de sociologie*, IX, 491.

[4] *Ibid.*, p. 512; Champion, p. 142; Karéiew, p. 56.

[5] Sée, *Revue d'histoire moderne*, X, 176. [6] Karéiew, p. 55.

[7] *Ibid.*, p. 27. [8] Parkman, The Old Régime, p. 520.

[9] *Revue d'histoire moderne*, VI, 314. [10] Jaurès, I, 14.

[11] Sagnac and Caron, Les Comités des droits féodaux, p. 421.

[12] Sée, in *Révolution française*, XLVI, 509. [13] *Ibid.*, 512.

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His grapes he must bring to the lord's press, his grain to the lord's mill, his flour to the lord's oven.[1] The millers, rapacious and dishonest, adulterated the flour with lime and sometimes took an eighth or a quarter instead of the sixteenth they were supposed to take.[2] Still more hateful were the hunting rights.[3] Some *cahiers* are devoted almost wholly to complaints against these. M. Champion quotes that of Colombes: "One will not be surprised to hear all the inhabitants of a parish say that the chase is the cause of their ruin. . . . Not only does it destroy the harvests, but it makes the cultivators slaves." The peasant could not have a gun or interfere with the game in any way. He was helpless when the hunt passed through the sown fields and destroyed the crops. The reporter of the Constituent declared that the chase robbed the peasants of ten million francs every year.[4]

Another of the manorial rights was justice, sole relic of the political power of the aristocracy.[5] This right had been much narrowed. The royal power had steadily encroached, placing restrictions upon the appointment of judges, increasing the subjects of appeal to its own courts. But while sweeping away whatever impeded its own freedom of action it had not been animated by any unselfish concern for the relief of the peasants. Thus the manorial courts still asserted jurisdiction in cases affecting the lord's rights, still gave the lord indirectly the position of judge in cases affecting his own interests. Too often the judge may have allowed his appetite to govern his application of the law; he knew which table offered him the best dinner, which cellar held the oldest vintage.[6] Justice, according to the *cahier* of Rennes,[7] was "the chief instrument of seigniorial despotism."

From such close examinations of the parish *cahiers* as M. Henri Sée has made for Brittany it becomes evident that the peasants complained less of the manorial rights than of the abuses of them.[8] "The fiscal zeal of the lords," says M. Sagnac,[9] "is intensified before dying." There is no doubt that the reign of Louis XVI saw what we may call a manorial reaction.[10] "Under pretext of rights, perhaps legitimate in

[1] For a defence of the baking monopoly, see Sagnac and Caron, p. 421.

[2] Champion, p. 144; Sée, in *Révolution française*, XLVI, 511. [3] *Ibid.*, 512.

[4] Jaurès, Histoire socialiste, I, 18.

[5] *Ibid.*, p. 13; Sée, in *Révolution française*, XLVII, 33, and in *Revue d'histoire moderne*, VI, 315. [6] *Révolution française*, XLVII, 35. [7] *Ibid.*, p. 34.

[8] *Ibid.*, XLVI, 509, and XLVII, 45. [9] Sagnac, p. 65.

[10] Kovalewsky, *Revue internationale de sociologie*, IX, 496, and XIII, 748; Champion, p. 154; Karéiew, pp. 96, 531; Sagnac and Caron, p. 424; Sée, *Revue d' histoire moderne*, X, 184–191.

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their origin, the lords and their agents accumulated impudent frauds, exercised a heavy oppression; and the passing delirium, of which they were the victims, was provoked by an interminable series of iniquities."[1] After a century and a half of relaxation a new policy had manifested itself. On the one hand old rights were enforced with a new strictness—the manorial rolls revised, arrears collected unmercifully. On the other hand new pretensions were advanced; the *corvées* were extended, forest rights withdrawn, the commons usurped. The manorial system, moribund though it was, seemed to stiffen defiantly before the spread of hostile ideas. But the enclosure of forest and commons, the breaking-up of the domain into farm lots, has a special explanation. It was due, M. Kovalewsky informs us,[2] to the lord's desire to take advantage of the progressive rise of land values; for the *cens*, where it took the form of a money payment, had long ceased to represent the value of the land. The protests against this new policy remind us of the sixteenth century in England. "They take away from the class which has greatest need what constituted its sole resource," says the *cahier* of La Ferrière Bochard. M. Kovalewsky presents tersely the concatenation of evils which resulted: lack of commons led to lack of cattle, lack of cattle led to lack of manure, lack of manure led to bad harvests.[3] "To some parishes nothing is more precious than pasturage," say the peasants of Cheffes;[4] and they proceed to tell how they had enjoyed common rights "from the beginning of the world up to 1774, when they were deprived of them by a decree of the council issued for the benefit of the lords of Cheffes, which decree was absolutely opposed to their titles."

What were the circumstances of the peasant when the Revolution came? "There is no one who does not admit that the nation was prepared for the Revolution by the consciousness of ills much more than by the progress of enlightenment." These words of Mirabeau are placed upon the title page of M. Champion's work. They would be equally applicable to the work of M. Karéiew, who pictures the situation of the peasant in very somber colors. The peasant, he reminds us,[5] was subject to a three-fold exploitation, by church, government and lord, by tithes, imposts and manorial dues; and these dues, aggravated towards 1789, brought him to "a veritable ruin."[6] Although it is impossible to determine exactly what part remained to the peasant after

[1] Champion, p. 154.
[2] *Revue internationale de sociologie*, IX, 496.
[3] *Ibid.*, p. 508.
[4] Sagnac and Caron, p. 142.
[5] Karéiew, p. 532.
[6] *Ibid.*, p. 530.

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the discharge of his obligations, Karéiew holds that there is evidence to show how very small that part was.[1] Does not the *cahier* of Nemours say that the revenue was sometimes insufficient to make all payments? Do not the parishioners of Saint-Evremond-de-la-Barre complain that "the little revenue that our work and our land brings us hardly suffices to pay imposts and rents?"[2] And is not Taine able to say that there was nothing left at all? Oppressed by such onerous charges, robbed of his commons rights and therefore deprived of his cattle, the peasant often abandoned his land, let it fall out of cultivation,[3] and emigrated to towns already swarming with beggars. For those who stuck to the soil the hardships were unutterable. So grievous were the burdens, so bad the cultivation, that wheat failed and years of famine became more frequent.[4] The *métayer* had to borrow grain for seed and sustenance until harvest time.[5] "Want of wheat became a general rule for the peasant."[6] There were these strange anomalies: wheat failing, yet much land out of cultivation; labor failing, yet town and country filled with begging vagabonds; those who raised wheat having to borrow wheat to keep alive! Reading this, we wonder that the twenty-five millions lived to see the gracious Revolution.

Much that M. Karéiew says is confirmed by other writers of authority. "Misery reigns in most villages . . . Those who remain in the country live for the most part in penury," says M. Sagnac.[7] M. Sée believes that the peasants were "still" very miserable, that often a third of them were reduced to begging.[8] "Their dwellings, their furniture, their deplorable food mark their distress."[9] According to M. Kovalewsky the royal imposts and manorial dues exceeded the revenue of the land, which as a result went out of cultivation.[10] Indigence was terribly common.[11] And M. Champion concludes that "feudal barbarity maintains the population and agriculture in a mortal torpor."

But such a sombre picture as that of M. Karéiew is not all true; nor, so far as it stands against criticism, does it prove that the peasant was impelled toward revolution by an accumulating weight of miseries. This much may be said: to us in the light of our higher standards of living, to him in the light of his aspirations, the peasant's condition

[1] Karéiew, p. 218. [2] *Ibid.*, p. 219. [3] *Ibid.*, pp. 221 and 533.
[4] *Ibid.*, pp. 224, 225. [5] *Ibid.*, pp. 226, 228. [6] *Ibid.*, p. 533.
[7] Sagnac, p. 62. [8] *Révolution française*, XLVII, 36.
[9] *Revue historique*, LXXXVI, 384.
[10] *Revue internationale de sociologie*, IX, 505. [11] *Ibid.*, XIII, 729.

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was unsatisfactory, sometimes even wretched. This remains true even after we have learned from Mr. Willert[1] and M. Sée[2] that the land did not fall out of cultivation; that famines were due rather to forestalling than to the failure of crops; that if the *cahiers* complain of mendicity, they also complain of the scarcity and dearness of labor, and that, though treated so reverently by MM. Karéiew, Kovalewsky and Champion, they are not without some of the ordinary frailties of historical documents.[3] But in Mr. Willert's opinion it is not true that the condition of the peasant was worse under Louis XVI than under Louis XIV or Louis XV.[4] As Seeley put it, a population that rebels is a population that is looking up. In the evolution towards full liberty serfdom had been left behind; and the more clearly full liberty came before his view, the more did the French peasant resent the restrictions which remained. This was the view of de Tocqueville, which M. Champion calls "ingenious." It is the view also of MM. Loutchisky,[5] Jaurès[5] and Sagnac. The land system, says M. Sagnac,

> is all the more odious and intolerable since the peasant is very often proprietor, recognized as such by the jurisprudence of the eighteenth century, and since the dues which are exacted from him seem obligations without cause; since, finally, he is, by law, independent of the lord in all that concerns the administration of the community of inhabitants. He is proprietor, free citizen of the commune, and yet he feels himself more than ever depressed . . . The desire to free himself became more violent and more irritating as comforts and enlightenment grew.[6]

In France the peasant resented an occasional *corvée;* in Hungary or Poland he submitted dumbly to the rigors of mediæval serfdom. There is at least one good reason why Joseph II failed to accomplish in his dominions those reforms which succeeded in France, and why Poland did not respond to the call of Kosciusko.

III. THE ABOLITION OF THE MANORIAL SYSTEM

Though greatly modified, almost transformed, the manorial system still prevailed in France; and, contrary to a popular impression, its extinction was by no means effected in a day. The "orgy" of August 4 and the decrees which followed it were merely the starting-point, the

[1] *English Historical Review*, XVI, 178–182. [2] *Revue historique*, LXXXVI, 384.

[3] Sée, in *Révolution française*, XLVII, 46; *Revue d'histoire moderne*, VI, 316; *English Historical Review*, XVI, 178–182.

[4] *English Historical Review*, XVI, 178–182.

[5] *Révolution française*, XLIX, 407. [6] La Législation civile, pp. 77, 84.

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beginning of a reform which occupied three different assemblies and found expression in a great number of decrees. And, further, we must not allow the dramatic events of that night to obscure the realities behind them.

It was once the fashion to place an aureole about those liberal nobles who then sacrificed their rights. The phrases which Louis Blanc uses[1] are "sacred intoxication," "fever of generosity," "delirium of abnegation." Carlyle[2] speaks of the deputies going home with their sublime heads striking the stars. But in the light of close examination the aureole fades away. It was expediency, far more than devotion to principles of justice and equality, that moved the Constituent Assembly to the sacrifice. The peasants were in a state of insurrection; the Assembly held out to them an olive branch.

When the parish *cahiers* were drawn up and the elections to the States-General held, the peasants had everywhere demanded freedom from feudal burdens.[3] The assembly ignored these demands. For the country districts had not received their due weight in representation, and the *cahiers*, as finally revised, had not given due attention to their complaints. The men who went to Versailles nominally represented the country as well as the towns; really they were bourgeois in sympathies as well as station.[4] That is why the Assembly, from which the peasants expected so many economic reforms, concerned itself with the Rights of Man instead.[5] It proceeded to draft a constitution, to lay down principles of liberty whose value the peasant could understand but dimly. In a word, from his point of view the Assembly had failed; and since it did not liberate him, he set about liberating himself. That is the meaning of the *Jacquerie*,[6] the burning of the manor rolls and even of the manor houses, which began in the summer of 1789. It was like the Peasant Revolt of 1381 in England. It was not promoted by personal hatred against the lord[7] or by a mere spirit of vandalism; the chief object was the destruction of the charters, the records of hated rights. The disturbances became general. "It was," says M. Jaurès,[8] "the violent abolition of the whole feudal system. It was the great

[1] Histoire de la Révolution, II, 486. [2] Fletcher's ed., I, 275.

[3] Sagnac, pp. 77, 78; Kovalewsky, *Revue internationale de sociologie*, IX, 489.

[4] "Almost the whole constituent body was composed of men chosen from the towns . . . and the country was forgotten . . . No one spoke for it." Sagnac and Caron, p. 280. *Cf.* Sagnac, p. 120. [5] Sagnac, p. 85; Karéiew, pp. 445, 540.

[6] As to its connection with the taking of the Bastille, see Histoire socialiste, I, 271; Sagnac, p. 86; Karéiew, pp. 439, 444.

[7] Histoire socialiste, I, 278; Karéiew, p. 443. [8] Histoire socialiste, I, 278.

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peasant revolution accomplishing itself outside of legal forms and of the will of the legislator."

This general brigandage and violence was the subject of a report read to the Assembly on the evening of August 3. The debate which then took place made the situation clear to every one.[1] The Assembly, deeply impressed with its formidable nature, refused to assent to Salomon's motion for repressive measures.

This debate illuminates that of the next evening. It brought the deputies face to face with an unpleasant situation. The manorial system had been overturned by the peasantry; and since the Constituent was unwilling to try the dangerous work of repression, it must in some measure accept the accomplished fact.[2] D'Aiguillon and de Noailles probably saw the advantage of anticipating the action which the Assembly would be forced to take.[3] The generosity of the act would not only calm the peasantry, but bring popularity; and the timely sacrifice of part of their rights might prevent the loss of all.[4] "Theirs was a plan premeditated and executed with deliberation," says M. Jaurès.

The first proposal of the sacrifice came from de Noailles.[5] The object of the Assembly, he said, was to put an end to the violence in the provinces, to discover its cause and apply the remedy. That remedy was not a constitution, which had been demanded only in the *bailliages;* it was the abolition of manorial rights. He therefore moved that mortmain and other personal servitudes should be abolished outright and that the rest should be abolished by means of redemption.

D'Aiguillon seemed to rise above mere arguments of expediency. He talked of philosophy, enlightenment, public happiness, the sacrifice of personal interests. But though he alluded to the manorial rights as "barbarous relics," though he excused the peasants for attempting "to shake off at last the yoke which, for so many centuries, has weighed upon their necks," he did not forget to guard the interests of his own class. "These rights, it cannot be denied, are a property, and all property is sacred. . . . Equity forbids exacting the abandonment of any property without according a just indemnity to the proprietor." The resolution which he offered was less favorable to the peasants than that of de Noailles:

The National Assembly, considering that the feudal rights are a kind of

[1] Buchez and Roux, Histoire parlementaire, II, 211.

[2] Sagnac, p. 87.

[3] Karéiew, p. 449.

[4] Histoire socialiste, p. 253; Doniol, La Révolution française et la féodalité, p. 56.

[5] For the debate see *Moniteur*, 33 and 34; Buchez and Roux, II, 224.

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onerous tribute which injures agriculture and desolates the country, yet not being able to conceal that the rights are a veritable property and that all property is inviolable, resolves that these rights shall in future be redeemable at the will of those who are subject to rents.[1]

He suggested thirty years' purchase. However just, from the point of view of the *seigneur*, d'Aiguillon's resolution may be considered, it did not square well with his generous professions. He went the whole length in denouncing manorial rights; he expressed every sympathy for the peasants. But what was the significance of the resolution? M. Jaurès maintains[2] that at thirty years' purchase the peasants would have found redemption impossible. Supposing the annual value of the charges to be 120,000,000 francs, the peasants would have had to find 3,600,000,000 francs. And the last two harvests had failed!

Whatever were the motives of d'Aiguillon and whatever was the practical meaning of his resolution, he seemed to be animated by generous sentiments. There was fire too in the rude eloquence of Leguen de Kerengal.[3] In scenes of wild excitement, with applause and even tears, proposals came from all sides. Everybody tried to propose the abolition of something. "Each order, taken separately," is Karéiew's cynical comment, "found means to satisfy its prejudice against the other in proposing the abolition of what it did not itself enjoy at all."[4] Involved in a common fate were the ecclesiastical tithe, manorial justice, pecuniary exemptions, town privileges and much else. Carlyle calls it a new night of Pentecost, shaped according to the new time and the new religion of Jean Jacques Rousseau.

A few days later the decree appeared—the famous August decree.[5] It has been compared to a spider's web intended to check an impetuous torrent.[6] It dealt satisfactorily with hunting rights, dovecotes, rabbit warrens. It abolished manorial justice. But the first article was to raise much difficulty and discontent.

The National Assembly entirely destroys the feudal system. It decrees that among rights and duties, feudal as well as *censuel*, those which are attached to real or personal mortmain or personal servitude, and those which represent them, are abolished without indemnity; all the others are declared redeemable, and the price and the mode of redemption will be fixed by the National Assembly. Those said rights which are not sup-

[1] Buchez and Roux, II, 227, 228.
[2] Histoire socialiste, I, 292.
[3] Buchez and Roux, II, 229.
[4] Karéiew, p. 540; see also p. 452.
[5] Sagnac and Caron, pp. 1, 2; Buchez and Roux, II, 259–263.
[6] Taine, II, 205.

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pressed by this decree will continue, nevertheless, to be levied up to the time of redemption.

This article laid down a principle which was followed in later legislation. It recognized two classes of manorial rights, those which were redeemable and those which were to be abolished without indemnity. But this arrangement the peasants refused to accept. They appealed to the first clause of the article: "The National Assembly entirely destroys the feudal system." They found the subsequent provisions inconsistent with that declaration.[1] And it was indeed anomalous that the servile tenants, differing so slightly from the free tenants, should receive full proprietorship, while the latter continued to pay their dues.[2] The application of the principle of redemption to the great body of manorial charges was not immediate and total abolition. Redemption was no great boon to the peasant who was too poor to profit by it; nor was it likely to be fixed at a figure that would satisfy the richer peasant. So they took the opening clause in its literal sense and regarded themselves as entirely freed from the old bonds.[3] The documents in MM. Sagnac and Caron's volume give interesting evidence of the temper which prevailed throughout the country.

All the peasants refuse to pay the rents. They gather in crowds, they make combinations, . . . proposing that no one shall pay rent, and that if any one proceed to do so, he shall be hanged. . . . The manor houses and all they contain have been pillaged or set on fire; almost everywhere the archives have been burned; those lords who have been the least rigorously treated have been forced to make absolute renunciation of all their rights and rents.[4]

On the other hand the seigniorial party did what it could to retard the elaboration of the decrees and to modify them in a reactionary sense.[5] As for the king, he declared that "there would be in France neither monarchy nor monarch" when he should be obliged to give his assent;[6] and it was only after the October days that his resistance broke down. It then remained to give the August decree, a mere declaration of principle, the proper legal form; to accommodate it exactly to the many strange varieties and anomalies of the manorial system. This work was

[1] Histoire socialiste, I, 290; Sagnac, p. 91.

[2] Viollet, in Cambridge Modern History, VIII, 716.

[3] Histoire socialiste, I, 290. Karéiew, p. 47; Sagnac, p. 91.

[4] Sagnac and Caron, pp. 160, 161; see also p. 159.

[5] *Moniteur*, 35, 36, 37; Karéiew, pp. 452, 474. [6] Buchez and Roux, II, 248.

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entrusted to a "feudal committee,"[1] whose members were for the most part lawyers.[2] The difficulty of their task and the energy with which they applied themselves to it are to be gathered from the numerous decrees published in the *Archives parlementaires*. The most important are those of March 15 and May 3, 1790. The former classified the manorial rights in two categories;[3] the latter established the mode of redemption.[4] Writers of today are not inclined to regard them with a kindly eye.

The March decree made the classification of rights depend on their supposed origin. A distinction was drawn between those which were of contractual origin and those which were not. Those rights were declared redeemable "which are the price and condition of a primitive concession of land," that is, of a contract.[5] Included among these redeemable rights were fixed charges such as *champart* and casual charges such as *lods et ventes*. Those rights were suppressed without indemnity which sprang from the sovereign power of the lord or from personal servitude.[6] As if, says Doniol,[7] to prove the fulfilment of the promises of August, there follows in thirty-nine articles a minute enumeration of the sacrificed rights—mortmain, justice, *banalités*, prohibition of selling or transmitting property, *etc.* As M. Sagnac has shown,[8] the committee was guilty of many inconsistencies in classifying particular rights; but the real difficulty was in the basis of their classification, which was chimerical.[9] In completing their theory of feudalism, the lawyers had introduced into ancient institutions whose origin was unknown or obscure and whose history was one of slow elaboration and transformation, a fictitious regularity. The multiform manorial rights were regarded as either real or personal. If personal, *i. e.*, affecting persons directly, they had been originally usurped and, though legitimate while the lord provided security and work for the peasant, were now unjust and oppressive. The real rights, on the other hand, affected persons only through the land and were the price of an original concession of land. They depended upon a legitimate contract.[10] Such was the juridical theory. It was far from according with the complex and disordered reality. The decree bears upon its face the mark of reaction. Where personal rights were in question, they must be redeemed if the lord

[1] Sagnac, p. 97. [2] Karéiew, p. 457.

[3] Archives parlementaires, XII, 172–177; Sagnac and Caron, pp. 173–182.

[4] Archives parlementaires, XV, 364–368. [5] Titre iii, art. 1.

[6] Titre ii, art. 1. [7] La Révolution française et la féodalité, p. 72.

[8] Législation civile, p. 99. [9] *Ibid.*, p. 98. [10] *Ibid.*, pp. 136–138 and 97.

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could give proof of contractual origin. But he was under no obligation to prove the origin of real rights; the decree assumed their legitimacy in the absence of proof to the contrary.[1] As if, exclaims M. Sagnac,[2] the debtor must prove that he does not owe, prove the non-existence of an obligation.

The same reactionary spirit informs the May decree. It fixed redemption at twenty years' purchase in the case of money dues, at twenty-five years' purchase in the case of dues in kind,[3] and at a fraction of the payment, varying according to circumstances, in the case of casual dues.[4] So far the peasants had little ground for complaint.[5] Their grievance lay in two serious restrictions placed upon them. Redemption must be: (1) *en bloc*, covering casual and fixed charges at the same time;[6] (2) joint, where services were performed or payments made by a group of tenants jointly.[7] These provisions were received with real or feigned consternation.[8]

> At the moment when they flattered themselves that their chains were falling, the people already blessed the noble courage of their liberators. What were their terror and grief when they felt that their fetters were becoming indissoluble, that the means of escaping the frightful yoke of injustice . . . were impracticable.[9] . . . If the National Assembly [the citizens of Loumarin declared] does not permit us to redeem the fixed charges separately from the casual, the people subject to this terrible system will still be dead to liberty a thousand years from now.[10]

The injustice of the first restriction was due to the fact that many holdings, descending from father to son, would never be alienated and thus never subjected to mutation fines. Moreover it made too large a demand on the peasant's resources. It must be borne in mind that the last two harvests had failed and that arrears had to be settled at the time of redemption.[11] "Here then was liberation closed . . . to every *censitaire* not in comfortable circumstances."[12] Pending redemption, it is true, the legal theory regarded the land dues as no longer manorial in character. But theories did not make any difference to the peasant.

[1] Decree of March 15, titre iii, art. 2; Karéiew, p. 468. For a striking criticism see Sagnac and Caron, pp. 270–275 and 313. [2] Sagnac, p. 104.

[3] Archives parlementaires, XV, 365. [4] *Ibid.*, p. 366. [5] Sagnac, pp. 119, 120.

[6] Decree of May 3, art. 3. [7] *Ibid.*, art. 4.

[8] Sagnac and Caron, p. 126; *ibid.*, pp. 255, 263, 267, 290.

[9] *Ibid.*, p. 286. [10] *Ibid.*, p. 280.

[11] Decree of May 3, art. 22; Sagnac, p. 118. [12] Doniol, p. 81.

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"Singular reforms, truly," says M. Sagnac. "The jurists have suppressed or modified only words."[1]

In fact the Constituent Assembly, beginning with the promise to destroy the manorial system utterly, seemed to proceed in quite another way. It was hampered by the determination to protect legitimate property rights which were inextricably commingled with manorial rights. It pushed its generosity so far as to allow redemption; then it weighted redemption with prohibitive conditions. "The deputies had sought to conciliate the most opposed interests, but they had not held the balances even. They had given much to the tenants, then taken everything back. They had succeeded only in irritating the cultivators without contenting the landlords. Never did legislation unchain a greater indignation."[2]

The March and May decrees no more ended the disorders in the country than did the August decree of the previous year. To the peasants they might well seem part of a counter-revolution.[3] "An experience of two years proved to us that we were still slaves," we read in one the documents published by Sagnac and Caron (page 295). The manorial lords, their spirits restored, endeavored to exact even those rights which had been suppressed without indemnity.[4] The peasants, equally obstinate, refused to pay quit-rents, seized mills and wine presses, exterminated game.[5] They set up what was practically, as M. Karéiew remarks,[6] universal freehold. "If all citizens have the right of demanding justice and the protection of the laws," says the lord of Treilles,[7] "show me, I pray you, the means of obtaining them, the means of not being exposed incessantly to die of hunger and misery, or to meet a violent death in defending one's property." There was insurrection everywhere, less sudden, less terrible than in 1789, but more grave, more disquieting, because its better organization threatened to make anarchy permanent.[8] A remarkable letter will be found in Sagnac and Caron's collection of documents (pages 393–397), describing very much the same system of popular agitation as has become familiar to students of Irish history.

These were the conditions when, in October, 1791, the Legislative Assembly succeeded the Constituent. It found itself placed in the

[1] Sagnac, p. 126. [2] *Ibid.*, pp. 120, 121. [3] *Ibid.*, p. 124.

[4] "The lawyers, tools of the old system, have obscured the decrees." Sagnac and Caron, p. 283. *Cf. ibid.*, pp. 292, 315; Sagnac, pp. 121, 122.

[5] Karéiew, p. 487. [6] *Ibid.*, p. 502. [7] Sagnac and Caron, p. 283.

[8] Sagnac, pp. 127-130; Sagnac and Caron, pp. 651, 652, 656, 661 *etc.*

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midst of embarrassments, one of the chief of which was the danger of foreign war. Beyond the Rhine the *emigrés* were busy; and the German princes, whose rights in the eastern provinces had been violated by the manorial legislation, were demanding satisfaction through the emperor. It was natural, therefore, that the new Assembly should wish to secure the loyalty of the peasants,[1] and that it should have little compunction in attacking the property rights of an aristocracy which was trying to enlist European sovereigns in a war against the Revolution.[2] The Constituent had wished merely to restore order in the country; the Legislative needed the active support of the peasants.[3]

That support it sought to enlist by brutally overturning the arrangement of 1790. It sanctioned a system of spoliation. In theory it retained the principle of categories and merely corrected a misconception of its predecessor. The Constituent, following the prevalent juristic view that rights attached to the land were contractual, had placed these in the category of redeemable rights and had left with the peasant the burden of proving that they did not rest on contract. But this juristic view was as incapable of demonstration as Rousseau's social contract or the existence of the lost continent of Atlantis. As early as 1776 the economist Boncerf had attempted to show that feudal rights generally rested on violence and had proposed abolition without indemnity except in cases where contract could be proved.[4] The same view was now put forward by Michallet in *Les Mystères des droits féodaux dévoilés*.[5] The March decree of 1790 allowed the suppression of rights otherwise redeemable if it could be proved that they did not depend upon an original concession of lands. Such a proof, capable of general application, Boncerf and Michallet gave in their version of the origin of feudal rights. The essence of their view was expressed in spirited language in an address presented to the Feudal Committee by certain municipalities in Moselle:

> Have the tyrants who have so long desolated and worn down the human race ever had any other title than force and despotism? The past generations have been witness of the violence by which these changes have been established, and if they came forth from the grave, they would give the proofs of the feudal despotism of which they were the first victims. But we who know the tyrannical origin of these rights only by tradition, we have no other titles to prove their injustice than the history which our ancestors have transmitted to us.[6]

[1] Karéiew, p. 504.
[2] Sagnac, p. 152.
[3] Karéiew, p. 541; Sagnac and Caron, p. 301.
[4] Sagnac, p. 70.
[5] Karéiew, pp. 498–501; Doniol, p. 106.
[6] Sagnac and Caron, p. 316.

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Here, then, was a basis on which the Legislative might decree outright suppression, while apparently safeguarding property rights and following the principle already laid down. The most important decree which it passed was that of August 25, 1792.[1] According to the second article of this decree landed property was to be free from all charges, "*if those who claim them cannot bring proof to the contrary.*" In other words, only those rights which were based on authentic documents should be redeemed; and, as such proof was in most cases altogether impossible, Doniol is justified in saying that the abolition was complete.[2] But though this was the case legally, in practice manorial rights persisted; and complaints of oppression reached the National Convention when it took the place of the Legislative Assembly.[3] The temper of the Convention is well known. It was exhibited in the decree of July 17, 1793,[4] which established the absolute freedom of property. Now not even the production of a primitive title could save seigniorial rights. The proprietor of the *domaine utile* and the proprietor of the *domaine direct* were henceforth one.

The work was finished. As this brief review has shown, the legislation did not proceed from any reasoned conviction, from any principles of justice. It had its source in considerations of expediency; in the desire of the Constituent to bring peace to the country; in the desire of the assemblies which succeeded it to secure the loyal support of the peasants. But for all that, it was, as M. Jaurès says, "the most radical revolution which had been seen in France for a thousand years."[5] Spoliation it was—the most flagrant spoliation of the Revolution. Legitimate property rights, rents which were paid cheerfully in England, were involved with oppressive exactions in a common destruction. But the soil of France became the freest soil in Europe; a fresh impetus was given to the development of peasant proprietorship, so important to the stability of France; and, with the removal of the shadow of seigniorial power, the democratic spirit could expand untrammeled.

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[1] Sagnac and Caron, pp. 773–775; Archives parlementaires, XLVII, 698–701.

[2] Doniol, p. 144. [3] Sagnac and Caron, p. 777; Karéiew, p. 509.

[4] Archives parlementaires, LIX, 98; Sagnac and Caron, pp. 775, 776.

[5] Histoire socialiste, I, 153.

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REVIEWS

The Government of England. By A. LAWRENCE LOWELL. New York, The Macmillan Company, 1908.—Two volumes: xv, 570; viii, 563 pp.

These volumes are the result of the first attempt by either an English or an American writer to give an approximately complete account of the political institutions of England. Various works of a more or less special character have already covered different portions of the general field. The well-known books of Anson, Todd and Hearn are largely devoted to the historical and juristic aspects of the subject, while, on the other hand, the classical work of Walter Bagehot, the masterly treatise of Professor Dicey and the recent penetrating study of Mr. Sidney Low are mainly concerned either with an interpretation of legal relations or with a presentation of the actual governmental forces in operation. None of these different phases of the subject is neglected by Professor Lowell. The comprehensiveness of his plan will be seen from a list of some of the topics treated. Beginning, contrary to the usual custom, at the top, he gradually works down from the apex to the base of the governmental structure. After an introductory note on the constitution, in which he takes rather forceful exception to Professor Bryce's well-known distinction between rigid and flexible constitutions, he discusses the various branches of the central government, including the civil service, and devotes two luminous chapters to the relation between the Cabinet and the Commons. The party system is next passed in review, and this is followed by excellent descriptions of local government, education, the church, the empire and the courts of law.

Perhaps on the whole the most valuable portion of the work is that in which the party system is described. Professor Lowell is already well-known for a work on continental governments, in which, differing in this respect from M. Dupriez, he approaches the study of government from the standpoint of party. In the present work, while this point of view is not so strongly emphasized, it is still utilized with excellent effect. In treating the party system Professor Lowell is plowing newer ground than in any other part of the work. His only predecessor of magnitude in this field is M. Ostrogorski, but the value of the latter

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writer's work is lessened by his deep-rooted prejudice against parties and by his failure to comprehend fully the fundamental function of the party system in modern democratic government. In these respects Professor Lowell's treatment is saner and more productive of serviceable conclusions. He applies the statistical method to the phenomena of political parties with considerable success, and he also makes a keen analysis of the consequences arising from the difference between the coincidence of the party system with governmental forms at the center and their divergence in the localities.

Professor Lowell finds in the pressure for class legislation "the most serious menace to which British institutions are exposed" (II, 535). He holds, however, that the political center of gravity and the actual center tend to come together "largely through the fact that the electorate comprises almost the whole community, while the immediate direction of affairs is still mainly in the hands of a smaller governing class" (II, 538).

Few criticisms can be made upon a work at once so well conceived and so admirably executed. Some matters, however, that one might expect the author to discuss are passed over. For example, one is somewhat disappointed that no general inferences are drawn from the observation of a sufficient number of by-elections. Such an undertaking might have thrown new light upon the important functions of such elections, their normal influence upon the political complexion of the House of Commons and their relation to the working of the parliamentary form of government. One also notes with regret that there is no bibliography, although this lack is to some extent supplied by the copious references in the foot-notes. On the other hand, we find included in the work a concise history of the relation of the law of nature to positive law in Germany, which does not seem to be sufficiently germane to the subject to warrant its inclusion.

In its general design and character, the work under review suggests a comparison with that of Professor Bryce on the American Commonwealth. The field which Professor Lowell sets out to cover is not so extensive as that which the English statesman has treated, but, on the other hand, the English government is so overlaid with what Dicey has styled the "conventions of the constitution" that it offers peculiar difficulties to an American student, accustomed to greater precision in constitutional forms. On the whole it may be said that Lowell's work is to a greater extent than Bryce's a careful and scholarly presentation of facts, and to a less extent a critical interpretation of facts. It is not so great or so brilliant a work as Bryce's, but it is more thorough and it

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will be at least equally useful. It will undoubtedly take its place in the front rank of that admirable group of studies in which scholars of one nation examine and report upon the political institutions of another; and it is scarcely too much to say that it will come to be recognized as one of the most considerable and noteworthy contributions yet made by an American scholar in the field of practical politics.

J. M. MATHEWS.

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American Diplomacy under Tyler and Polk. By JESSE S. REEVES. Baltimore, The Johns Hopkins Press, 1907.—335 pp.

Dr. Reeves's excellent study of the diplomacy of the United States under Tyler and Polk is necessarily lacking in unity, for neither a single administration or a single group of diplomatic negotiations is the theme. The author has, however, given us, in each subject with which he deals, a more thorough and exhaustive study than has before been made except in those matters treated in Moore's *International Arbitrations*, which is, after all, only a collection of original material ably assembled by a scholar who is a master of the sources. Mr. Reeves has occasion in this work to treat the subjects of the Northeastern boundary, the Ashburton treaty, the relations between Mexico and the United States concerning Texas (1825–1845), the annexation of Texas, the Northwestern boundary, the Oregon treaty, Polk's negotiations for California and the treaty of Guadalupe Hidalgo. So many new points are brought out that the book is worthy of a far more detailed review than the limits of this notice permit. There is a strong arraignment of the position of the United States government on the subject of the right of search as connected with the work of suppressing the African slave trade. Again Dr. Reeves has a trenchant comment upon the so-called "battle of the maps" as connected with the Ashburton treaty. That subject, says Dr. Reeves, properly belongs to the discussion of the ratification of the treaty. "It would have been foreign to the spirit of the plan for the adoption of a conventional line had Ashburton and Webster introduced arguments based upon the old maps." Another rather startling assertion, amply proven by the facts submitted, is that the Mexican War and the conquest of California formed a distinct episode, completely disassociated from the annexation of Texas to the United States. The author holds that they are two distinct phases of southwestern expansion. Again he asserts and proves that "instead of slavery's assisting in the expansion of the national territory, it delayed and almost defeated it." This he holds especially as to Texas. "The charge of

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premeditated expansion by the United States for the purposes of extending slavery falls to the ground." Texas might have been acquired without war with Mexico, but for the disgraceful work of some of the American diplomats. Another interesting contribution by Dr. Reeves is the demonstration that President Jackson's conduct, in dealing with Mexico in reference to American claims and the annexation, was not at all what Von Holst has pictured it, but really commendable "when one considers the speed with which the United States recognized the Republic of Panama." Von Holst's reliance on Adams's *Memoirs*, Dr. Reeves says, led the German historian into error. The harm which a third political party can do to its own cause is clearly shown in the fact that "thanks to the Liberal party in the state of New York, the annexation of Texas seemed to have been endorsed by a popular vote."

That many other interesting matters are brought out in this monograph must be vouched for rather than shown. No one can neglect its use in the study of the diplomacy of this period. The book is fully annotated, and there is a fair index, but no bibliography. It is written in a clear style, plain and unadorned, which will not attract readers who have no special interest in the theme.

C. H. VAN TYNE.

UNIVERSITY OF MICHIGAN.

Island Possessions of the United States. By ALBERT EDWARD MCKINLEY. (Volume XX of *The History of North America*, edited by FRANCIS NEWTON THORPE.) Philadelphia, George Barrie and Sons, 1907.—xviii, 291 pp.

America as a World Power. By JOHN HOLLADAY LATANÉ. (Volume XXV of *The American Nation: A History*, edited by ALBERT BUSHNELL HART.) New York, Harper and Brothers, 1907.—xvi, 350 pp.

The United States as a World Power. By ARCHIBALD CARY COOLIDGE. New York, The Macmillan Company, 1908.—vii, 385 pp.

The last decade of American history, its new phases and the new problems it has brought, is the subject of these three volumes. Both Professor McKinley and Professor Latané have prepared, for their respective series, a very good résumé of the events, the former continuing the story into 1906, the latter well into 1907. Professor McKinley has the advantage of a somewhat more logical editorial arrangement (at least

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for his volume considered by itself) and is able to treat the various new possessions of the United States each by itself, with its history both before and after American occupation. Professor Latané's book has, however, the wider scope, being a history of the decade 1897–1907; hence it has chapters on American diplomacy in the Orient, the elections of 1900 and 1904 and the chiefly domestic issues involved, the Alaskan boundary, international arbitration during the decade, the Monroe doctrine, the forcible collection of public debts, the Panama canal, immigration and economic questions and tendencies. That all these matters, even those that seem at first purely domestic, are related to our country's new position in the world is further indicated by the fact that four or five of the lectures which Professor Coolidge has put forth under a title practically identical with that of Professor Latané's book are also devoted to these matters of internal development, foreign trade, races and immigration.

It is, of course, too early for the history of the past decade to be written, in any final or complete sense. Recognizing this, all three authors have confined themselves quite closely to exposition, the two historians abstracting, in the main, the published reports that have appeared in bewildering profusion since 1898. Professor McKinley has held most consistently to this course of action, which has involved, of course, the presentation of a rather colorless narrative. That it is better to do so is indicated, however, by the fact that, in almost every case where he has expressed an opinion or summed up for brevity's sake the events of a period or the workings of a policy, he has stepped upon controversial ground. The same is the case with Professor Latané, whose narrative is less impersonal and who has hazarded as fact some statements either doubtful or incorrect.

Not only has Professor Latané covered a wider range of inquiry but he shows a more extended reading of the sources. The American sources, that is; for, like nearly all our writers on these subjects since 1898, Professors McKinley and Latané have disregarded the Spanish sources and have practically disregarded other foreign sources. As regards the Philippine Islands, such a course is absolutely fatal to the attempt to reach any independent judgment upon the situation and events merely of 1898 and thereafter; and, as regards Cuba and the war with Spain, the history can not of course be written properly if the documents of only one side are in requisition. The task that both these historians set themselves seems to have been to abstract merely the American accounts of events. And even Professor Latané, who, as already stated, has ranged more widely in the bibliography accumulated since

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1898, has after all really mastered and used only the main documents in the case, those that are already best known. In other words, excellent on the whole as is his work of digest and exposition, it still can not be said to be an authoritative survey, even on the documentary side and from the American viewpoint.

This lack of an authoritative grasp is revealed in what may be termed the two-sidedness of his book. His "Critical Essay on Authorities"—a first-class condensed bibliography of the period—indicates, as does his text, a reliance upon the main official documents for the body and substance of his story. Yet when he expresses opinions or passes judgment, he does so usually as the result of adopting the testimony or views of unofficial reporters, usually hostile critics. He himself says on page 322: "In preparing this volume these [official] documents have been interpreted in the light of magazine articles, newspaper reports and editorials, and oral discussions too numerous, and in many cases too ephemeral, to be recorded."

This adoption of the views of journalist-critics writing for the moment, quite without historical perspective, is most noticeable in Professor Latané's treatment of the management of the army in 1898, and especially of the Santiago campaign. He says the commission of investigation on the conduct of the war tried to "whitewash things." He does not cite, and apparently did not consider, Secretary Alger's book, with its temperate statement of the other side and its assertion that the conduct of the Santiago campaign stands vindicated by results, while the mistakes and failures would have looked small in any prolonged war of real importance. Yet he cites quite frequently Secretary Long's book on the naval phases of the war. The "terrific accuracy" (p. 27) of the American naval gunners is an instance of the acceptance of journalistic reports written without actual investigation. Similarly as to the exaggeration of Dewey's victory; here both he and Professor McKinley would find in the Spanish sources of information on that battle very much to correct in the American reports, both official and unofficial. Likewise, if Professor McKinley had been in possession of the whole story of the *Irene* episode in Subig Bay (not mentioned by Professor Latané), an episode reflecting credit on the Germans for their action in behalf of humanity, his comment on their conduct at Manila would be considerably altered. The point is, the American public has thus far had only a one-sided account of this and various other matters; and, when history comes to be written, it ought to rectify such partial versions.

Professor Latané's account of the negotiation of the treaty of peace with Spain and of the Senate debate thereon (as also of the Supreme

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Court decisions of 1901) is written from the anti-imperialist viewpoint. He never even mentions (p. 72; *cf.* also p. 102) what many, if not most, who have carefully examined the evidence will regard as the chief influence in causing President McKinley's demand for the entire Philippine archipelago, *viz.* the obligation incurred by coöperation with the insurgents. Both he and Professor McKinley overlook the real origin and explanation of the $20,000,000 payment to Spain, though this is plainly revealed in the protocols published in Senate Document 62. Professor McKinley has often been led astray by following Foreman's unreliable statements regarding events in the Philippines before and during 1898.

Both authors likewise find warrant, in the incomplete figures regarding Filipinos killed and wounded, for general statements about the conduct of warfare by the American army which they might still further qualify if they were familiar with the various conditions of warfare in those islands. Their statements are in the main cautious, but Professor McKinley thinks "no quarter" was given (p. 241), and Professor Latané believes it probable that wounded were "ruthlessly slaughtered," and that not only torture of captives but also murder and rape were "too frequently committed." The "water-cure" aside, there is no evidence for a statement with such far-reaching implications.

Somewhat the same effect of contradiction is obtained when the official reports are followed for the account of civil government in the Philippines, while Professor H. P. Willis's book is followed for judgments on its workings. Both authors do this as regards the civil service; Professor Latané does it also as regards the friar-lands settlement and the expensiveness of the government. He says (p. 163): "The Philippines have practically no vestige of self-government." He has not noted the changes of 1905 and 1906 in provincial government, enlarging Filipino participation and voting privileges. He raises a mystery about the salaries of the commissioners (p. 169); they were fixed in 1900 by an order of the president, confirmed by Congress in 1902, and are published annually in the Philippine appropriation acts and in the Philippine civil-service roster. Both authors lay stress upon the Spooner amendment of 1901; in fact, it was disregarded by the administration, which proceeded in the Philippines under the "war power," as before that legislation, until the act of July, 1902, took effect.

One feels that Professor Latané is more at home in questions regarding Spanish-American relations, the Monroe doctrine, arbitration and peace conferences, the Alaskan boundary and diplomatic matters

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generally. In the chapters dealing with those matters his touch is surer, the sense of authority more manifest. Here his book, though prepared with a different purpose, proceeds on nearly the same lines as Professor Coolidge's; and in general the two writers are in quite close agreement. There is some advantage, for purposes of comparison, in the fact that the latter's work was originally written for a foreign audience, hence has an attitude rather neutral than simply American. Professor Coolidge has here presented, with some revision, the series of lectures he delivered at the Sorbonne in 1906–1907. Besides the subjects already mentioned, he treats separately the relations of the United States with the four other "world powers," *viz.* France, Germany, Russia and England; with Canada and with Latin America; with China, with Japan and in the Pacific in general. He is optimistic as to the assimilation of our new classes of immigrants in the same way that Germans, Scandinavians, Irishmen and Englishmen have been assimilated in the past; but he leans to the view that Europeans and Asiatics can not mingle. Like Professor Latané, he is quite certain that the Monroe doctrine is a permanent feature of American policy—and, apparently, in its present widened interpretation. Both writers seem unaware of the degree of irritation which President Roosevelt's declarations have excited in Latin America.

Touching the Philippines, their acquisition and their government, Professor Coolidge holds himself quite strictly to the rôle of expositor. Minor errors of fact occur, but few controversial statements are hazarded, though he says (p. 157) that "it is certain that there would have been a large majority in favor of evacuation of the Philippine Islands," if the voters could have passed on it as an abstract question in the election of 1900. Mainly, he is interested in showing what is the American policy in the Philippines in its broad outlines, and here it is refreshing to note the absence of the usual dogmatism of the "colonial expert." Professor Coolidge accompanied the "Taft party" to the Philippines in 1905, and his attitude is one of suspended judgment, while the "Taft policy" has gained his sympathy.

In one respect, Professor Coolidge does express himself very positively, and on a matter of present moment. If the opening of our markets to Philippine sugar and tobacco is to involve preferential treatment for our goods in those islands, he makes vigorous protest (pp. 171, 182, 183) against the policy of such a violation of the "open door" principle, pointing out that there is no essential difference between our tenure there and that of Japan in Korea and Southern Manchuria.

James A. LeRoy.

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Ship Subsidies. By WALTER T. DUNMORE. Boston, Houghton, Mifflin and Company, 1907.—xviii, 119 pp.

This volume is one of the Hart, Schaffner and Marx prize essays. It is a meritorious work, painstaking and unbiased, though brief and necessarily incomplete. The author thinks that a merchant marine is needed to furnish sailors and auxiliary vessels for the war navy and, above all, to give us our own ocean carriers. In case of war involving the maritime countries which now do a large part of our ocean freighting our sea trade would suffer serious damage. Mr. Dunmore acknowledges that a large merchant navy is a weakness in time of war to the country possessing it, but he thinks we should not be dependent upon Great Britain or any other country to carry our produce. He cites the Boer War to show the effect upon our commerce of a little war between Great Britain and an insignificant state without a navy. During this struggle, he asserts, Great Britain took two hundred and fifty steamships of one million tons from commercial use and put them into transport service. He quotes with approval ex-Congressman Grosvenor's statement that, as a consequence, freights rose thirty per cent, and our total exports of breadstuffs fell off from about $318,000,000 in 1898 to $251,000,000 in 1900. It is true that our breadstuffs fell off during this period; but it is clear that lack of transportation and high freight rates had nothing to do with this decrease, for our total exports increased. According to the statistics compiled by the Agricultural Department,[1] through-freight rates on agricultural products were invariably higher in 1898 than in 1899, and the rates declined almost universally until 1903, after peace had been restored. It is absurd to assert that Great Britain withdrew a million tons of merchant shipping from commerce during the Boer War. Only a few of the fast mail steamships, which carry no bulky or heavy freights, were employed as navy auxiliaries during 1900 and part of 1901. Of course a war between Great Britain and Germany would seriously affect our commerce, but it would make little difference to our shippers whether we had a large or a small merchant fleet. If the war were carried on according to the Hague rules, the English ships would be quite as immune as American ships from seizure by German cruisers. If, as is most likely, the war should become a more earnest affair, the ships of neutrals would suffer severely. In any case our commerce would undoubtedly be injured, but it would not be destroyed. Whether England carried sixty per cent or six per cent of our commerce in time

[1] See Transportation Rates, Agricultural Year Book, 1906.

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of peace would not alter her demand for transports in time of war or for foodstuffs to support her armies and navies. If her own subjects owned the merchant vessels needed for transports, she would buy or hire them from Englishmen; if Americans owned them, she would buy or hire them from Americans; and experience has shown that patriotism has little to do with the price of any commodity needed by government in any emergency. I am not speaking now of the fast vessels which receive postal and naval subventions. These vessels are naval auxiliaries and the government pays a good round sum for the privilege of taking them over in case of war. It is questionable if it would not be cheaper for governments to build their own cruisers and scouts, instead of subsidizing individuals to build vessels that are inefficient both in peace and war.

To secure the desired merchant navy, Mr. Dunmore advocates the policy of free ships in the foreign trade and eventually in the coasting trade, free ship-building material, an extension of the mail subvention act of 1891 and, above all, discriminating duties in indirect commerce. There is no objection to any of these aids, except the last. All of them appear to me to possess the defect or merit of ineffectiveness. The fact is that to possess a large merchant marine we must either spend millions annually in subsidies or wait until we can build and operate steamships as cheaply as any other nation.

ROYAL MEEKER.

PRINCETON UNIVERSITY.

Railroad Reorganization. By STUART DAGGETT. Boston, Houghton, Mifflin and Company, 1908.—x, 402 pp.

A "reorganization" is defined by the author as "the exchange of new securities for the principal of outstanding unmatured general mortgage bonds, or for at least 50 per cent of the unmatured junior mortgages of any company, or for the whole of the capital stock." In other words, a reorganization involves a radical and significant reconstruction of a railroad's finances. It is not necessarily associated with impending bankruptcy, although this is usually the case. It may be the result of too great prosperity and of a concern lest such prosperity be too clearly revealed.

The book is a series of careful studies, dealing with the financial history of the seven most important railroads which failed between 1892 and 1896, and the history of one railroad reorganization, the Rock Island, in 1902. A final chapter summarizes the characteristics of such reorganizations and the general principles which have governed in

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the construction and execution of reorganization programs. The railroads treated in this book are: the Baltimore and Ohio; Erie; Philadelphia and Reading; Southern; Atchison, Topeka and Santa Fe; Northern Pacific; Union Pacific; and Rock Island. These studies deserve the highest commendation. While they show great attention to accuracy of statement and an unusual grasp of the sources of information, yet the reader is not burdened with unnecessary detail. Excellent judgment has been displayed in the selection of the significant events and in the omission of irrelevant material. The play of conflicting financial forces is pictured in a style which is incisive and vivid, and the stories of railroad wrecks and recoveries have an absorbing interest.

However, for the general reader who does not desire to follow in detail the experiences of particular railroads, the concluding chapter will have the greatest interest, for here have been gathered together such conclusions as could reasonably be drawn from the results of the individual studies. It would appear that while over-prosperity may be the determining cause of a reorganization, as in the case of the Rock Island or the Alton, yet the typical reorganization occurs when a road ceases to be able to pay interest on its outstanding obligations. This decline in earnings results usually from one of two fundamental causes: first, inflated capitalization; and second, competition, which reveals itself either in rate-cutting or in reckless extensions of railroad line.

In the case of the typical reorganization, then, it is evident that the problem before the reorganization committee is to make such readjustments as will bring the balance between income and outgo on the right side of the ledger. From this standpoint, the reorganizations treated in this book may be regarded as highly successful; for while the seven reorganizations before 1893 show actual though not large reductions in fixed charges, the seven reorganizations between 1893 and 1898 reveal very substantial reductions in fixed charges, ranging from six to 51 per cent. The number of bond issues has been reduced, but each issue is in greater volume and for a longer term—a move in the direction of simplicity and in response to a fundamental market demand.

Perhaps the most important conclusion of this study is a confirmation of the wide-spread conviction that reorganizations have materially increased outstanding capitalization. The reasons therefor are not difficult to discover, and seem quite justifiable when one's viewpoint is limited, as it is in this book, to the interests of the corporations and their security-holders. It is a fundamental principle of reorganization

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practice to reduce the nominal value of outstanding securities as little as possible in order that the security-holder, who sacrifices something either in reduced interest or in direct cash assessment, may share to the full in any future prosperity. This has resulted in the substitution, for compulsory obligations, of securities in large quantities upon which payment of a return is optional. Before 1893, this increase was largely in securities of the income-bond order; but the deceptive character of these income-bonds seems in later years to have been better appreciated, and preferred stock is now commonly used.

It may be true, as the author shows, that the aggregate market value of the larger volume of securities one year after reorganization was in most cases less than the aggregate market value of the old securities one year before reorganization. However, this is of concern only to the security-holders themselves, and principally to the underwriting syndicates and large speculative holders who have no permanent interest in the corporation but merely wish to unload at a profit. This class does not arouse our sympathy, for it usually manages to get out sooner or later with a comfortable balance.

What is of profound significance to the public, however, is that there has been created an enormous amount of new securities which represent no value whatever. Out of these inflated issues come underwriters' profits; they are often employed to manipulate control of the property and for reckless Wall Street speculation; and most important of all, from the public standpoint, they can be and are used as a powerful argument against any reduction in rates. Not only are these advantages of an inflated capitalization present in such notorious "prosperity" reorganizations as those of the Rock Island and of the Alton, but they have appeared to a greater or less degree in every instance where capital has been increased, and they have doubtless been in the mind of every reorganization committee which has pulled a corporation out of the mire of bankruptcy. The author could not have been unaware of this important consequence; and its omission from his conclusions is doubtless due to the very evident limits which he set for himself in the discussion of the problem.

Too much praise cannot be ascribed to this scholarly book. It approaches the study of corporation finance from the right direction. It is only on the basis of such painstaking investigations of financial history and procedure as this volume reveals that we are justified in indulging in generalizations concerning the financial practices of American railroads.

FRANK HAIGH DIXON.

DARTMOUTH COLLEGE.

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Nordamerikanische Eisenbahnen, ihre Verwaltung und Wirtschaftsgebahrung. By W. HOFF and F. SCHWABACH. Berlin, Julius Springer, 1906.—xii, 377 pp.

Every student of transportation must welcome an impartial, detailed criticism of American railway administration and a comparison of German and American practice. The authors of the book under review are officials of high rank in the Prussian Railway Bureau, who visited the United States in 1904, the year of the St. Louis exposition, traveled nearly ten thousand miles over railroads between Boston, San Francisco and Portland, collected much printed material, interviewed numerous railway men and then put their information and impressions into a well-written volume.

They did not travel over the roads of the southern and southwestern sections of the United States, and they rode upon the best equipped trains; but they were so well informed upon transportation questions that they were able to obtain a general knowledge of our railway service.

Their book, being written for German readers, is devoted mainly to a description of American railway administration and an explanation of the differences between German and American practices, but from beginning to end of the volume there are candid statements of the authors' impression of our railroad service. These impressions are on the whole favorable; and in all the opinions expressed, whether laudatory or otherwise there is a most commendable fairness and objectivity. The volume contains the best foreign critique of American railways that has appeared since 1885, when von der Leyen published his standard work on *Die nordamerikanischen Eisenbahnen.*

To the American as well as to the German reader the comparison of the services and charges of American railroads with those of the Prussian-Hessian state railways will be interesting. Only a few of the more important results can here be noted. It is generally maintained that government management of railways necessarily means bureaucratic method, much red tape and a large clerical force; but the authors of the volume adduce evidence showing that for an equal volume of business more clerks and other employees are required upon the railways in the United States than upon those of Prussia. Moreover, it is shown that if American railway companies were required to employ watchmen and guards in such numbers as to provide as fully as does the Prussian-Hessian railway administration against injuring and killing people, the number of employees on our railroads would need to be

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increased forty-two per cent. The accident statistics of the two countries are so analyzed as to show that our railways kill six and a half times and injure twenty-nine times as many passengers as do the Prussian-Hessian railroads. After pointing out clearly the impossibility of making precise comparisons of American and Prussian fares and rates, the authors present tables and other data from which the general conclusion is drawn that in the United States the passenger fares are more than double the Prussian, and the freight charges are somewhat higher. The discussion of freight rates is particularly interesting, although not fully convincing. As regards the much debated question of the economy resulting from the use of large-capacity freight cars, the authors are of the opinion that the use of fifty-ton cars for mineral traffic and forty-ton cars for other kinds of heavy freight has been economical in the United States; but that the twenty-ton wagon is better adapted to German conditions; and their conclusion is doubtless sound.

A translation of the volume into English has been published in New York, but it is expensively printed and is sold only by subscription at a prohibitive price. It is to be hoped that an inexpensive reprint of this translation may soon make the work available to all students of American and German railways.

EMORY R. JOHNSON.

UNIVERSITY OF PENNSYLVANIA.

L'Industrie américaine. By ACHILLE VIALLATE. Paris, Felix Alcan, 1908.—492 pp.

The interest of Frenchmen in American economic problems is evidenced by the publication in the last decade of several careful and important investigations of our industrial development by French scholars. Ten years ago Professor Levasseur published his *L' Ouvrier américain*, which was followed by descriptions of our railways by Dubois, of our trusts by Raffalovich and de Roussiers, and of our economic development by Professor Leroy-Beaulieu. The work of Professor Viallate is in a way more ambitious than any of its predecessors, for it endeavors to cover the whole field of our economic activities, historically as well as analytically. It is divided into three parts, of which the first traces the historical development of our industry and our commercial policy; the second part, comprising about half the book, describes the organization of industry; the third deals with our recent commercial expansion.

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The historical sketch of our industrial evolution begins with the adoption of the constitution and divides the time down to the present into five periods, ending respectively in 1807, 1834, 1860, 1885 and 1905. While some of these divisions are obvious and mark important epochs in our economic life, as 1807 and 1860, the others are evidently selected with reference primarily to tariff changes. This indicates the chief criticism that must be made of this part: entirely too much emphasis is laid upon our external commercial policy, and it is treated as a cause of important internal economic changes, whereas it was more often a result than a cause. Such a treatment is more excusable in a foreigner than it would be in an American writer, but it nevertheless vitiates many conclusions and gives an emphasis to the tariff which it does not deserve. The material for this part was drawn almost exclusively from secondary authorities; of the forty-five books or articles cited, twenty-five deal with the tariff. But perhaps fault should be found here with the too exclusive interest this topic has hitherto had for our economic historians, which has made the literature available for a unified study of our industrial development very uneven.

In the second part, which treats of the organization of American industry, the author is again led, partly by his own interest and partly by the unequal distribution of the literature on this subject, into an over-emphasis of the part played by labor. In general, he has selected for description the striking and interesting phases of our industrial life rather than the typical or common. In the chapter on "Machinery and the Organization of Labor," for instance, he describes as customary the practice of some large firms of spending a certain sum annually on experiments, of scrapping ("scraping," it reads) machinery rendered obsolete by new inventions (which he attributes, in part, "to a spirit of coquetry and of advertising") and of using the suggestion system, by which the interest of employees is enlisted in suggesting improvements. On the other hand, he devotes but little space to the use of machinery and the division of labor.

The danger to Europe from an invasion of American manufactures Professor Viallate thinks greatly exaggerated. He considers the Canadian, Mexican, South American and Oriental markets more important to the United States in the future than those of the industrially more developed nations of Europe. As projects designed to facilitate such intercourse he mentions the improvement of our internal waterways, the Pan-American railroad, the Panama canal and the upbuilding of our merchant marine.

Taken as a whole, Professor Viallate's description of American in-

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dustrial conditions offers little that is new to American readers, though it will undoubtedly prove interesting and instructive to his countrymen. The writer has already published numerous articles on the tariff, trusts, money and commercial policy of this country, and shows himself well acquainted with conditions here. One has a strong impression, however, that this acquaintance is largely second-hand and has been gained by industrious reading rather than by personal investigation.

ERNEST L. BOGART.

PRINCETON UNIVERSITY.

Work and Wages: Part II: Wages and Employment. By SYDNEY J. CHAPMAN. London and New York, Longmans, Green and Company, 1908.—xxii, 494 pp.

Part II of Professor Chapman's *Work and Wages* deals specifically with the theory of wages, labor organizations, the policies of trade unions, the principles and methods of industrial peace, unemployment, and workmen's insurance and old-age pensions. Like Part I, on *Foreign Competition*, it is a compendium intended especially for the information of English readers. Its presentation of the essential facts in regard to the progress of the United Kingdom in these different fields is full and authoritative, and its discussion of unsettled problems is temperate and suggestive.

Unfortunately the very qualities that should commend it to English readers render it of little value to readers in other lands. For them its treatment of English conditions is, if anything, too full and its treatment of the experience of other countries too meager and, it must be added, not up-to-date. Criticism on these grounds of a book not intended primarily for foreign consumption is obviously hardly fair. As a foreign reviewer, however, I may be pardoned for enlarging on this aspect of Mr. Chapman's book, since it is naturally the one in which foreign readers are chiefly interested.

The discussion of labor conditions and labor policies in the United States illustrates, no doubt in an exaggerated way, the defects in the book from the point of view of the non-English reader. Thus in the chapter on "The Organization of Labor," 18 pages out of a total of 111 are devoted to this country. The information presented is derived chiefly from the *Report of the Industrial Commission* (1902), Levasseur's *American Workman* (1900), Brooks's *Social Unrest* (1903), and Muensterberg's *The Americans*. The inevitable result of depending upon authorities, no one of which is less than five years old,

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is that even in this brief sketch numerous statements are made that are either inaccurate or no longer significant. A few examples may be given. The implication of the statement (p. 85) that "in New York alone is the number of incorporated trade unions at all large" is, as every one at all familiar with organized labor in this state knows, quite misleading. Again, after the prominence given in the presidential election of 1904 to Judge Parker's part, as chief justice of the New York Court of Appeals, in rendering the decision in National Protective Association *v.* Cummings (1902, 170 N. Y. 315), upholding the right of members of a trade union to prevent the employment of non-members, the declaration (p. 87) that "it is not known yet (so far as we are aware) what will be the attitude of the Court of Appeals" of New York on this question, sounds strange in a book bearing the date 1908. Equally an echo from the past is the statement (p. 81) that "holding aloof from politics" is a prominent characteristic of the American Federation of Labor. Finally, the declaration (p. 83) that "in the tobacco trades there are very few who are not members" of trade unions must hearten the members of the only really strong union in the trade, the United Cigar Makers, in the seemingly hopeless struggle they have for several years been waging for their very existence. As a matter of fact the tobacco trades are among the least organized and worst paid employments in the United States.

Serious as are these misstatements, they are less reflections on Professor Chapman than illustrations of the rapidity with which conditions are changing in the American labor world and of the poverty of this country in that literature of explanation and comment without which no foreign student can be expected to avoid mistakes when he undertakes to describe unfamiliar conditions. That we are ourselves partly to blame for the misstatements cited is indicated by the superiority of the sections dealing with French and German conditions.

Professor Chapman's general attitude on the labor problem is that of a broad-minded and well-informed economist. Particularly suggestive, in the light of the subsequent enactment of the British old-age-pensions law, is his careful balancing of the arguments for and against this method of caring for the aged poor and his conclusion that, while the policy itself might prove advantageous, there are other lines of expenditure tending to increase the efficiency and mobility of British wage-earners that would be even more beneficial. Those who differ from him on this point will at least agree that the other lines which he advocates must on no account be neglected.

HENRY R. SEAGER.

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The Negro Races. By JEROME DOWD. New York, The Macmillan Company, 1907.—xxiii, 493 pp.

This volume is announced as the first of a series of works in which Mr. Dowd intends to present a sociological study of mankind from the standpoint of race. The task is an ambitious one, and it is apparently undertaken with a serious purpose. The greater is the discouragement with which we lay aside the book; for the material presented is sadly deficient in accuracy and in completeness, and the point of view is vague and one-sided. The time seems still remote when sociological and anthropological investigators will understand that an uncritical collection of data drawn from the superficial reports of travelers cannot form the basis of safe conclusions. The author conveys the impression of painstaking accuracy by copious notes; but among the books quoted Ratzel's *Anthropogeographie* and *History of Mankind*, Featherman's *Social History of the Races of Mankind*, Reclus's *The Earth and Its Inhabitants*, Stanford's *Compendium of Geography* and Keane's *Man, Past and Present* take a prominent place. Whatever the usefulness, relative accuracy and completeness—or inaccuracy and incompleteness—of these books may be, they are compilations, not sources which can be used to substantiate far-reaching conclusions. On the other hand much of the really important literature has not been used at all. For instance, I have not found the name of Nachtigal, without whose contributions any presentation and interpretation of the ethnic phenomena of the central Sudan seems quite impossible. For the Guinea Coast Ellis is the authority almost exclusively quoted, but Spieth's fundamental work on the Ewe is not mentioned at all. The marvelous development of art and industry of Benin seems to be entirely unknown to the author. All he has to say about the architecture and art of this district, which challenge our admiration and which have been made the subject of many extended descriptions and discussions, is the following:

> In the line of painting and drawing this zone has almost nothing to offer . . . In sculpture and carving the quantity is great and the quality is poor . . . The carving of weapons, tools, *etc.*, however, is sometimes very good . . . There are scarcely any attempts at construction or the ornamentation of houses . . . The natives of this zone have a large stock of folk-stories, which, however, have no particular meaning or moral [pp. 335, 336].

Thus the general presentation of the ethnological facts relating to the areas discussed is quite unsatisfactory.

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The arrangement of the material suffers by the emphasis laid upon anthropogeographical considerations in an area the ethnic conditions of which can be understood only on the basis of a study of the historical relations of its inhabitants. Setting aside the point that the combination of the Negroes of the Sudan and of the tribes of the southern Sahara in one racial group is quite unjustifiable, the classification of the tribes as those of the banana, millet, cattle and camel zones is as artificial as would be a classification of the people of the United States into peoples of the oats, maize and orange zones. While the climatic conditions in central Africa are of great economic importance, the ethnic phenomena depend here, or elsewhere, primarily on historical relations. The distribution of inventions in Africa, as traced by Ankermann and Frobenius, and accumulating evidence from the Niger region as well as from eastern Africa show clearly that the forms of culture of the African continent must be considered and interpreted in their mutual interrelations and in their relations to Asia and Europe. Attempts to explain political and other conditions of particular areas, entirely, or even mainly, by geographical considerations, will never be successful; and the treatment of this subject by the author appears to the reviewer to be quite arbitrary and little more than an attempt to fit selected data to preconceived notions. Thus the claim that density of forest makes political organization over larger territories impossible and that it has prevented the development of agriculture among the Pygmy tribes is open to the most serious doubt.

Not less open to criticism are the generalized statements regarding the negro's physiological and mental characteristics. What does it mean when we read that the negro's skull in the banana zone is characterized by a receding forehead?—as though the present distribution of types had any causal relation to the narrow geographical units which the author is considering. In his discussion of mental traits the vaguest data are constantly made the basis of the most far-reaching conclusions. "The natives of this zone have never dreamed of a cart" is given as a proof of lack of inventiveness—as though this invention had been made more than once or, at best, more than a very few times, and had reached a general distribution before the spread of the Europeans over the world. Again, "that the inhabitants of this zone are deficient in reasoning power, is sufficiently attested by the absurd superstitions connected with their religion." By this standard our own ancestors, together with the rest of mankind, stand equally condemned.

I might go further in the exhibition of ill-founded generalizations and in the demonstration of lack of critical discernment in the assembling

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of data which are characteristic of the book, but the few illustrations here given suffice to show that the author has failed to fulfill even modest requirements of a scientific treatment of his subject.

FRANZ BOAS.

COLUMBIA UNIVERSITY.

The Common Sense of the Milk Question. By JOHN SPARGO. New York, The Macmillan Company, 1908.—351 pp.

Milk is the most important food which we consume in its natural state. On its abundance, purity and cleanness the lives of all children depend during some period of their infancy; it is almost the sole diet of invalids, and it is an important article of diet for many adults. Yet in so primitive a stage are its production and distribution that it is no exaggeration to say that few consumers of milk can always be sure that they are not drinking a poison. The world is at last awaking to this appalling state of affairs, and scientists and philanthropists are joining hands in the work of reform.

The problem of obtaining a good milk supply is highly complex and difficult of solution, and its importance is not generally understood. Even if the layman could comprehend the technical language in which the literature of the subject is written, he would be dazed and lost in the maze of conflicting conclusions. There was needed a book which, while strictly scientific, should discuss in simple language the various phases of the problem and present the latest scientific conclusions on questions still mooted. Such a book has now appeared in Mr. Spargo's *Common Sense of the Milk Question*. The author has prepared himself for his task by careful investigation of a vast amount of technical literature, by placing himself in communication with authorities all over the world, and by extensive observation in the field. The first part of the work emphasizes the importance of good milk and points out in what respects the present system of supply fails to furnish it. The second part treats of remedial measures and outlines a program of reform. There are a number of valuable appendices, a list of all authorities cited and an excellent index.

Modern society, begins the author, faces a declining birth-rate. The dread of Malthusian over-population has given way to the fear of Rooseveltian race suicide. Along with the declining birth-rate has come the growing inability of mothers to nurse their offspring. This loss of the power of lactation is a world-wide phenomenon, affecting women of all classes, except perhaps those who live in the country. In the cities it affects the woman of education and leisure as well as the

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factory worker. "In case of the woman factory worker, a contributing cause is the excitement of city life with its haste and strain and its enormous psychological and physiological demands." "More than half the mothers of central Europe," says a noted authority, "are unable to nurse their infants." This inability of mothers to provide nourishment for their infants necessitates artificial feeding. This state of affairs exacts a terrible and enormous death toll, as the mortality of infants artificially fed is thirty times as great as that of those breast-fed. While the past decade has witnessed a reaction in favor of mothers nursing their infants whenever possible and a crusade has been started to insist on its importance, nevertheless we are still confronted with the indisputable fact that, in the majority of cases, the failure is due to physiological causes and that consequently a substitute for mother's milk must be found. Proprietary infant foods are condemned. If all factors be taken into account, the milk of the cow must be considered the best substitute. But clean, pure milk is the exception, and this goes far to account for the frightful mortality of infants fed on cow's milk. Even when great care is exercised in production and handling, milk is exceedingly perishable and it is easily contaminated. Ignorance, carelessness or criminal manipulation makes it unfit for infant feeding. Not only are cows themselves subject to disease, but as a result of their human environment their milk often becomes infected with disease germs, so that frightful epidemics of milk-borne diseases are frequent.

It is almost impossible to obtain absolutely germ-free milk and we must be content with fixing the limit of safety. Von Behring places this limit at 1000 bacteria per cubic centimeter (15 drops) for milk intended for nurslings. But such purity is rare. Under present conditions of production, we are fortunate if we can get milk with not more than 30,000 or 40,000 bacteria per cubic centimeter. It is true that only a small percentage of the germs may be pathogenic, but their presence in such enormous numbers makes the milk unfit for infant food. In the United States 95,000 children die annually from preventable causes; in France three-fourths of the infantile deaths might be prevented; and that impure and infected milk is one of the chief factors in this excessive infantile mortality no living authority questions.

In the light of the above facts, the author asks what remedial measures shall be taken. His principal conclusions are as follows: Municipal milk depots to supply milk for infant consumption should be established in all large cities. Such institutions are no longer in the experimental stage. In Europe they have given excellent results; in the United States they have been badly managed and have been of doubt-

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ful value. But the splendid results obtained by the city of Rochester must be mentioned. An efficient milk commission enforces rigid inspection, and, by educating the dairymen and winning their sympathy, it has revolutionized the milk supply. A municipal milk depot is maintained during July and August. At first the depot furnished pasteurized milk; but in 1899 special contracts were made with farmers for the furnishing of milk of extra quality and pasteurization was abandoned. The results are truly remarkable. From 1888 to 1896 there were 1999 deaths of children under five years of age during the months of July and August; during the same months from 1897 to 1905, there were only 1000 deaths, although the population had increased by about twenty per cent.

For babes no general milk supply in the world is sufficiently good, and a special supply must be provided. The certified milk movement is good as far as it goes; but since this milk brings double the price of ordinary milk it is beyond the reach of the poor. Private philanthropy, as typified in the Straus depots, has been a great boon; but such work, when left to private initiative, is of uncertain permanence. The author argues that it is the duty of the municipality to undertake the production and distribution of milk specially intended for infant consumption at a price within the reach of the people. "We do not need infants' milk depots as charitable institutions, but rather as common, public necessities, to be used by all classes in the community as the public schools now are."

While the author believes that pure raw milk is preferable and that pasteurization encourages carelessness, he insists that pasteurization must be resorted to until we are in the position to supply raw milk the cleanness and purity of which are above suspicion.

It seems ungracious to criticise so excellent a performance of so difficult a task, but the reviewer is constrained to except to certain of the author's positions. A careful reading of his book leaves the impression that he has not given sufficient attention to the problem of a pure milk supply for children and adults. While it is true that there must be special provision of milk for infants, experience in other countries and our own shows that such milk can often be best obtained by producing it in connection with commercial milk. As a general thing, after children pass the age of one year, their diet becomes more varied; they no longer require modified milk, but are given such milk as is provided for the rest of the family. This milk is usually unfit for them, and something ought to be done to remedy the evil. The infant milk depot ought not to be expected to furnish milk for normal

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children over one year old, and commercial milk producers ought to be encouraged to supply, at a slightly higher price, specially good milk for children, drawn from picked herds. Even to-day there is no good reason why such milk, pure enough to need no pasteurization, could not be furnished to all our cities at a price not more than one cent higher per quart than that of ordinary milk. Such milk is provided in Copenhagen and in some of the smaller German cities, for example, in Cassel. There is need to encourage a larger consumption of milk by children, for even the casual observer must be aware that milk does not form a sufficiently large part of their diet and that much mortality is the consequence.

Mr. Spargo's suggestion that a National Milk Reform Association be formed should meet with a sympathetic response.

In the case of such a book as this, it would be well worth while to adopt the English custom of publishing a shilling edition for general circulation; and it is to be hoped that the author may see his way clear to render this real social service.

JESSE E. POPE.

NEW YORK CITY.

State and Local Taxation. Addresses and Proceedings of the First National Conference under the Auspices of the National Tax Association, Columbus, Ohio, November 12–15, 1907. New York, The Macmillan Company, 1908.—xx, 675 pp.

This volume contains the forty-eight papers read at the first annual tax conference held under the auspices of the National Tax Association, the rather brief discussions which they elicited, and the "resolutions and conclusions adopted by the conference." It constitutes an important contribution to the literature dealing with American methods of taxation. Some of the papers portray and explain the confused and thoroughly unsatisfactory state of fiscal affairs which obtains in most of our commonwealths; others present the experience of given states in the taxation of mortgages, credits *etc.;* while still others offer suggestions as to desirable reform measures. Many of them will be helpful to legislators, while the entire collection will be greatly appreciated by college classes in taxation.

Of course the essays under review differ greatly in value, and some of them contain much that is open to adverse criticism. Criticism, however, is out of the question in a brief review, and the following general statements must suffice to characterize the volume.

Mr. Judson's paper on interstate comity in taxation and that of Pro-

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fessor Loeb on constitutional limitations affecting taxation are excellent in every way. The same may be said of Professor Coray's and Professor Mixter's papers on taxation of mortgages in Utah and Vermont, and of Professor MacCracken's paper on the taxation of real estate and improvements in New York. Professor Le Rossignol's paper, on the rating of unimproved values in New Zealand, will be of interest in connection with the single tax, while Professor Davenport's paper on the taxation of unearned increment is a distinct contribution on that subject. The merits of the habitation tax are well presented by Professor Phillips.

The matter of the separation of state and local sources of revenue is frequently touched upon in the addresses, and is discussed at length by Professors Seligman and T. S. Adams. The former, who regards such separation as the "indispensable initial step to any substantial progress" in tax reform, gives us the best argument thus far advanced in favor of such action, with an interesting but perhaps not entirely convincing discussion of the methods of obviating the disadvantages found to be involved in complete separation as it has been practiced. Professor Adams, on the other hand, lays emphasis on certain disadvantages connected with the complete separation of sources and with "home rule" in taxation, and presents with great force several points which, to the reviewer's mind, needed to be brought out. The paper will repay most careful consideration.

The "Outline of a Model System of State and Local Taxation" presented by Mr. Purdy contains much that will appeal to experts. Professor Willis's paper on the relation of federal to state and local taxation should be read in connection with Mr. Purdy's, for it contains some important considerations which are frequently overlooked in outlining model systems.

The "resolutions and conclusions adopted by the conference" are five in number. The inheritance tax "should be reserved wholly for the use of the several states"; restrictive provisions should be eliminated from state constitutions in order that proper methods of taxation may be introduced; property should not be taxed by two state jurisdictions at the same time, and retaliatory tax laws should be repealed; all public debts should be exempted from taxation; divorcement of state and local systems of taxation and "home rule" are mildly and somewhat equivocally endorsed. These findings mark a good beginning and will appeal to every student of taxation.

H. A. Millis.

Stanford University.

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Local and Central Government: A Comparative Study of of England, France, Prussia and the United States. By PERCY ASHLEY. New York, E. P. Dutton and Company, 1906.—xi, 396 pp.

This work purports to be a comparative study of local and central government in England, France, Prussia and the United States, but the only consideration which the United States receives is contained in a short chapter on the government of American cities. The central governments of the other countries are considered only in so far as they share in the work of local administration or exercise control over the constitution or activities of the local authorities. The book therefore practically narrows itself down to a comparative study of local government in England, France and Prussia. As such it is an admirable elementary treatise. In the first place, the author gives a comparative résumé of the principal differences between the English and continental theories of local government, with particular reference to central control of local administration. He then takes up England, France and Prussia in turn, devoting a preliminary section to the consideration of those central organs of each, like the Home Office, the Local Government Board, the Board of Education and the Board of Agriculture in England, which are concerned in any way with local government. This is followed by a more detailed study of the local governments of each country, the author pointing out, as occasion offers, the elements of difference and resemblance, and emphasizing in particular the contrasts between English and continental methods. There are also chapters on the history of local administration in each of the three countries, the relation of the legislature to the local authorities, the control of local finances, and the control of the local authorities by means of the administrative and judicial courts. Of a somewhat general character is the chapter on administrative law, in which the author contrasts, somewhat after Dicey's method, the Anglo-American and continental conceptions of administrative law; analyzes the reasons for the non-existence of administrative law as a distinct branch of jurisprudence in England; and discusses the nature and functions of the administrative courts as they exist in France and Prussia and the reasons why such tribunals are held to be necessary.

As an elementary treatise Mr. Ashley's book deserves praise. It is concise, well arranged, singularly clear and interesting. It would make a very useful supplementary text for an introductory course in the comparative study of government.

J. W. GARNER.

UNIVERSITY OF ILLINOIS.

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Trattato di diritto internazionale privato secondo le convenzioni dell'Aja. By G. C. BUZZATI. Volume I: *Introduzione. Il Matrimonio.* Milan, Francesco Vallardi, 1907.—xvi, 448 pp.

The appearance of a work like the present reminds us that a great change is taking place in the law of European countries relating to the conflict of laws, or international private law. This is due to the conventions elaborated at the Hague in the four official conferences of 1893, 1894, 1900 and 1904. As a direct result, treaties are now in force, ratified by at least thirteen European nations, regulating the conflicts of law in respect of (1) civil procedure, (2) marriage, (3) divorce and separation and (4) the guardianship of minors. For action by future conferences, there already exist treaty projects to regulate the conflict of laws in respect of succession, rights in things, parental relations, obligations and proof of foreign law.

Dr. Buzzati is a teacher of international private law and was one of the Italian delegates to the fourth Hague conference. He has set out to follow a somewhat ambitious program, for he intends to cover the entire field of international private law as it has been or shall be established by treaty.

His introductory chapter (149 pp.) is devoted to a history of the movement which led up to the Hague conferences. In this, the Italian government, under the leadership of Mancini, took the initiative as early as 1861 and renewed its efforts twenty years later when Mancini was minister of foreign affairs. Though Italy was the pioneer, it was left for the government of the Netherlands to overcome the difficulties, and under its auspices the conferences accomplished definite results.

The rest of the volume treats of conflicts of law in questions of marriage. The material is therefore coextensive with the second treaty ratified by the powers. As the treaty did not become effective until July 31, 1904, the reader will find very little in the way of interpretation or application of the treaty provisions by courts or administrative officials. The author apologizes for this (Preface) and undertakes to compensate for it by reference to the local laws of each of the countries and by pointing out the changes in law and practice which the treaty has presumably occasioned.

The material is divided into six long chapters, in which are treated: (1) capacity, (2) rules of public order at the place of celebration, (3) proof of capacity, (4) the ceremony, (5) diplomatic and consular marriage and (6) the application of the treaty. Under each chapter except the last, the internal law is discussed in an alphabetical ar-

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rangement by countries. The plan has its advantages in that it affords a comparative view of legislation upon each of the sub-heads, but the result tends, in parts, to be too disjointed for a legal treatise. The author's main purpose, to reflect the alteration of substantive law by the treaty, is obscured.

In some instances he seems to lose sight of this purpose; for he goes outside the territory of the treaty union and, for example, examines the laws of the American states in respect of the capacity to marry. These, it is true, may have a bearing under the treaty, because the basic principle established therein is the respective *lex patriae* of the contracting parties, one of whom may be an American citizen and the other a citizen of one of the treaty states, while the marriage may be contracted in another treaty state. We cannot follow him, however (*e. g.* p. 141), if we correctly understand him to apply the treaty to the question of the capacity of a citizen of Dakota to marry a German in Germany, for since the United States is not a party to the treaty there is no element of international obligation. We must not be misled by article 8, which makes the treaty applicable "only to marriages solemnized upon the territory of the contracting powers between persons, one of whom at least is a subject of one of these powers." It is impossible to speak with full assurance, on account of the lack of recorded decisions, but it would seem to the reviewer that this article is not declarative but restrictive. The author further assumes that the law of American states setting up the *lex loci actus* as authoritative is equivalent to a *renvoi* to that law. Here again we should read with caution, as authorities are greatly at variance on the question whether such local rules have the force of a *renvoi* in determining the capacity to enter into the relation. It would appear that the best authority, including that of the Institute of International Law (*Annuaire*, XVIII, 179) has been against such an interpretation. In other words, if under the law of the particular American state the party had not the capacity to marry he should not be deemed to have it at the place of the ceremony, for the *lex patriæ* forbids it; and the *lex patriæ* governs notwithstanding the fact that American practice refers the question of capacity to the *lex loci actus*. Though the doctrine here advocated has not been uniformly recognized, a more thorough examination of European decisions would have shown that the courts of a number of jurisdictions within the treaty union have definitely adopted it.

Much space, especially in the third and fifth chapters, is devoted to problems which are administrative rather than judicial, but this adds to rather than detracts from the value of the book, owing to the existence

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in European countries of tribunals with purely administrative functions but with quasi-judicial organization and procedure. Thus the book enables us to obtain a more homogeneous view of the operation of the treaty.

It is to be observed that the conferences have not attempted to unify legislation upon any subject, least of all in respect of marriage. On the contrary, the presumption of variance in legislation forms the very basis of the work of the conferences. What has been done, however, is to create by treaty a uniform system of solving the conflicts, so that a juristic act, once completed, shall be judged by the same system of substantive law, no matter in what forum the act be ultimately judged.

It is the author's purpose to present the law according to the conventions, and he does not undertake to criticize the conventions themselves. The many limitations and exceptions embodied in the treaty upon the demand of some states, in favor of the application of their own laws, might well have tempted him to engage in academic discussion; there is, for example, a saving clause in favor of the exclusively religious sanction prescribed by the Russian law of marriage which invites comment; but Dr. Buzzati has remained consistently and commendably practical.

ARTHUR K. KUHN.

NEW YORK CITY.

The Process of Government: A Study of Social Pressures. By ARTHUR F. BENTLEY. The University of Chicago Press, 1908.—xv, 501 pp.

Most of the writers on government in the United States have confined their efforts to descriptive work, and for that reason Mr. Bentley's attempt to get below formalism into the governing process as a manifestation of social pressures deserves serious consideration, even though he is at times tedious and at other times unnecessarily rude to his predecessors in the field of politics. One-half of his book is severely critical—an attempt to make short shrift of all the publicists and sociologists who have sought the causes of social processes in types of mind, feelings, faculties and opinions. No one escapes Mr. Bentley's sharp pen: Small, Spencer, Westermarck, Pearson, Giddings, Dicey and others are dealt with in a manner that would be more engaging were it more courteous, but which nevertheless has much that is instructive and convincing. The method and spirit of the author and the kind of political writing he especially disapproves may be best illustrated by a single quotation:

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Discussing factory legislation, Dicey quotes from Shaftesbury a list of men who opposed it—Peel, Graham, O'Connell, Gladstone, Brougham, Bright and Cobden—and says that while Shaftesbury was puzzled at their opposition, the truth of the matter was that they were all "individualists" and the genuine explanation of their anti-factory legislation lies in that point alone. One laughs. We know enough of the industrial interests and affiliations of most of the men on this list to feel certain that theory was a minor consideration for them, however much it was in theory's name they urged and argued. Shaftesbury himself speaks of "millowners, capitalists and doctrinaires" as opposing him, with the doctrinaires in third place. . . . One can fairly drop the individualistic explanation of the opposition to such legislation [p. 148].

In short, Mr. Bentley will have nothing to do with what he calls mind-stuff, doctrines, ideas, ideals and, generically, "spooks," as the ultimate factors in the pressures which direct the governing process.

Where, then, are the real factors to be found? This question our author answers in his chapter on the "Raw Material of Government." The raw material or the real stuff of government

cannot be found in the "character of the people," in their specific "feelings," or "thoughts," in their "hearts" or "minds." All these are hypotheses or dreams. Whatever truth or other importance they possess, they are certainly not "raw material," but instead highly theoretical. The raw material can be found only in the actually performed legislating-administering-adjudicating activities of the nation and in the streams and currents of activity that gather among the people and rush into these spheres [p. 180].

With this very positive feeling for the intimate essence of government, Mr. Bentley examines in terms of current politics many of the favorite notions of political science: public opinion and leadership, the classification of governments, pressure of interests in executive, legislative and judicial departments, political parties and electorates; and in every instance he has made effective use of the idea of "group interests," as distinguished from class interests in the Marxian sense, which Professor Clark has rendered so fruitful in the domain of economics. The author's mode of applying his leading principle is fully illustrated by his conclusion concerning the problem of classifying governments:

Wherever and whenever we study the governing process we never get away from the group and class activities, and when we get these group activities properly stated we come to see that the differences between governments are not fundamental differences or differences of principle, but that they are strictly differences of technique for the functioning of the interests, that they are adopted because of group needs, and that they will

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continue to be changed in accordance with group needs. . . . The American president can be invested with a most tremendous representative force or reduced to a nonentity, all within a year or two, and without changing the "constitution," merely according as the group pressures work successfully through him or through other branches of the government.

Mr. Bentley makes no pretension to have constructed a new "system of political science," nor is the burden of his argument original; but he has undoubtedly written a thought-provoking book that will help to put politics on a basis of realism, where it belongs.

CHARLES A. BEARD.

Morals in Evolution. By L. T. HOBHOUSE. New York, Henry Holt and Company, 1906.—Two volumes: xvii, 375; vii, 294 pp.

On the title-page and frequently throughout these two volumes Mr. Hobhouse speaks of his work as "a study in comparative ethics." He explicitly recognizes, however, that this designation is not merely an alternative for "morals in evolution." In the preface, for example, he states:

No hypothesis as to the causes of evolution is required. Even the hypothesis of evolution itself is not strictly necessary. Our object is to distinguish and classify different forms of ethical ideas—a morphology of ethics comparable to the physical morphology of animals and plants. The results of such a comparative study, if firmly based on recorded facts, would remain standing if the theory of evolution were shattered.

The two titles suggest, thus, the question: Does the study of comparative ethics reveal an evolution of morals? Mr. Hobhouse has pursued his investigations with this question constantly in mind. Although he concludes with an affirmative answer, his conclusion is reached with caution, as a result for which there is important evidence. He consequently regards as a problem what many an enthusiast for evolution would take for granted. This conservatism and hesitancy give the book, as a whole, great scientific value. There is no occasion to suspect that facts have been ingeniously selected to support a theory, or that a theory has so occupied the mind of the investigator that facts are seen only in its light.

The two volumes mark a natural distinction in the data with which ethics has to deal. On the one hand there are the actual ethical standards, the moral institutions, to which conduct is expected to con-

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form. These constitute the subject of the first volume under the title "The Standard." On the other hand there are the reasons men give for the validity and binding force of their standards. These are considered in the second volume under the title "The Basis." In making this distinction the author recognizes the fact that the standards of morals are seldom determined by the bases on which they are thought to rest. For, naturally, the reasons assigned for modes of conduct are the results of reflection, while conduct itself results mainly from the pressure of circumstance and tradition. Furthermore, a basis or sanction of conduct is usually a reason why particular lines of conduct *ought* to be pursued rather than the reason why they have been pursued. Practice, consequently, often falls far short of the moral basis and even contradicts it.

If, therefore, we are to discover any genuine evolution of morality—so, at least, the reviewer construes Mr. Hobhouse's argument—we must find not only that standards and bases have progressed with some degree of continuity and conformity to principle, but also that standards become rationalized in the light of the bases which are invoked to support them. Only thus can we approach an answer to the question, "Whether there is any broad and general tendency in historical evolution giving meaning and value to the long tragedy of human development?" This is the final question which Mr. Hobhouse hopes his investigation will help us to approach.

The standards examined in the first volume are considered under the following general types: (1) law and justice, (2) marriage and the position of women, (3) relations between communities and classes and (4) property and poverty. On these topics Mr. Hobhouse presents the results of thorough and extended research. The material he has collected forms a rich body of representative and well-attested facts which give the reader a vivid picture of the variety of ethical standards prevailing in different forms of social organization. As already noted, the author does not appear to have selected his facts to support a particular theory, but his method of grouping and presenting them seems to have markedly influenced the selection and restricted the scope of the inquiry. Although he proposes first to discover the types about which the various forms of institutions tend to group themselves, and, secondly, "to consider whether the types of each institution tend to correspond with any particular stage in the development of social culture," we cannot avoid the suspicion that the search for such correspondence has restricted the inquiry to the limited number of topics noted above. This suspicion is strengthened by the fact that

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the second chaper of the volume deals with the "Forms of Social Organization" and furnishes the framework within which the standards subsequently discussed are set.

Three forms of social organization or stages of social development are recognized: (1) the community based on kinship, (2) despotism which rests on authority and (3) the state which rests on consent and the recognition of a common humanity. The standards are then considered as the standards respectively of communities, of despotisms and of states. As a result the author finds that the development of standards has generally followed the development of social organization. For this general conclusion, that society and standards show a corresponding evolution, he has undoubtedly made out a good case. The reader feels, however, that the author's study of comparative ethics leaves much untouched which has important bearings on the general problem of the evolution of morality. There is, for instance, no adequate discussion of the virtues. Consideration of individual excellence is swamped by the emphasis on social institutions. Surely comparative ethics should exhibit the types not only of moral institutions but also of moral individuals. And it would be bold indeed to assert that such types do not exist even in primitive societies or that they do not give to the moral picture of communities decided lights and shades. How otherwise—to use an instance which the author cites—can we adequately represent to ourselves the moral status of the Dyaks who are courteous, hospitable and full of brotherly kindness, and yet inveterate head-hunters and murderers? Indeed Mr. Hobhouse recognizes that to judge them fairly both their virtues and vices must be considered in connection with their life as a whole. But how can judgments of this sort be adequately made if social institutions are so exclusively taken as the indexes of vice and virtue and if the selection of standards is made with the view of discovering whether there is a correspondence between types of standards and types of society? To be sure the individual is an illusive factor, especially when we have to deal with historical records and observations of primitive peoples, but it is still an effective factor and one, in our opinion, too little regarded by Mr. Hobhouse.

In general, it appears to us that the value of this first volume is much impaired by the fact that the author undertakes to discover an evolution in morals by comparing institutions in different social levels without any adequate discussion of the factors of the evolution involved. He expressly makes this limitation in his preface, so our criticism touches his deliberate intention rather than his specific results. "Little will be said here," he states, "of the psychological forces

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which underlie the ethical consciousness; little of the sociological and other factors which accelerate or retard the development. These lie for the most part outside our immediate province. It is the essential facts of development itself that we are seeking to ascertain." But how can the essential facts of development be ascertained if the forces which underlie the ethical consciousness are disregarded? Mr. Hobhouse likens, as we have seen, the comparative study of ethics to the physical morphology of animals and plants. But just as this morphology is inadequate for tracing development without its correlative physiology, so the morphology of ethics is inadequate without its correlative psychology and sociology.

In considering the evolution of bases, Mr. Hobhouse follows the development of men's reasonings about the foundations of morality from the early phases of thought down to modern times. He finds that the development of ethical conceptions has been largely bound up with the development of thought in general, of ideas as to the nature and origin of things and the destiny of man. As a consequence the movement proceeds from the customary rules of primitive society, which have not acquired the distinctive character of moral laws, through the recognition of moral obligation resting on the authority of religious conceptions, until, finally, with philosophical criticism, the principle is reached that every rule of conduct must be based on the demonstrable needs of human life. The development is thus one of growing rationalization. There is noted also a certain correspondence between the phases of this development and the stages of social organization.

The author's extensive and suggestive survey includes not only the moral opinions of the western world—as has been too frequently the case in our histories of ethics—but also the ethics of the Vedic religion, of Brahmanism and Judaism, of Confucius and Mencius. Nowhere is his treatment of the theme more admirable and suggestive than in his discussion of modern ethics. Its similarity to Greek ethics is recognized, but its contrast is notably enforced by a consideration of the religious, social, scientific and economic forces of modern life. In particular the author has shown how modern conceptions of nature and of the grounds of knowledge and modern humanitarianism have affected ethical theory. This humanitarianism

> has justified individuals, classes, creeds, nationalities, that have stood resolutely by their rights and fought for their liberties. It has fostered the newer education of the faculties and ridiculed the sentimentalism which regarded all independent initiative in one half of the race as a kind of

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indecency. In short it has conceived the permanent elevation of both sexes and all classes to a life in which they could enjoy that free and full cultivation of their powers which the best of the older civilizations only imagined to be possible for a narrow class.

Yet he sounds a warning against the view that any "rational" system of ethics can claim finality.

We stand on the edge of illimitable, unexplored regions, into which our vision penetrates but a little way. But at least we can dismiss as foolish the fear that science will exhaust the interest of reality, or peace destroy the excitement of life, or the reign of reason cramp the imagination. The conquests of mind have a very different effect. The more territory it brings under its sway, the vaster the unconquered world looms beyond.

And now the final question: Does the comparative study of the development of ethical standards and of ethical theories reveal a genuine evolution of morality? Or, in the author's own words, "How far does this development of conceptions correspond to an actual improvement in social relations, or in the character of human beings?" The answer is as follows:

As to the first question we may say that in the social evolution from the community based on kinship to that which rests on authority, and from this again to the State which rests on consent, there is a very rough and irregular correspondence with the ethical and religious evolution here worked out. . . . On the other hand, we have been compelled to admit that social and ethical development do not always advance together. Social changes are in large measure unconscious, uncontrolled by any intelligent direction, and the more completely so the further we go back into the beginnings of history. Hence they do not run precisely parallel with the growth of mind, but at times impede, at other times again forward it. But as the higher phases are reached the two processes fuse into one.

Ethical progress becomes thus "essentially a progress in ethical conceptions, acting through tradition." Yet the fact that tradition, although slowly, haltingly and, at times, with sad relapses, follows the line of the development of ethical conceptions leads the author to conclude that "the further development of society . . . is destined to fall within the scope of an organizing intelligence, and thereby to be removed from the play of blind forces to the sphere of rational order. . . . This slowly wrought out dominance of mind in things is the central fact of evolution."

FREDERICK J. WOODBRIDGE.

COLUMBIA UNIVERSITY.

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RECORD OF POLITICAL EVENTS

[From May 1, 1908, to November 3, 1908]

I. INTERNATIONAL RELATIONS

THE BALKAN SITUATION.—To the continued disorders in Macedonia (see last RECORD, p. 354) was added in May an insurrection of the inhabitants of Vathy, the capital of **Samos**, against the Turkish governor. Three battalions were required to restore order, and the Porte, acting on the suggestion of France and Great Britain, formally guaranteed in June the continuance of local self-government in the island.— The Anglo-Russian reform scheme for **Macedonia**, which was published in July with the assent of all the powers except Germany and Austria-Hungary, provided for the immediate organization of flying columns to suppress the rival nationalistic bands, the appointment by the powers of a governor-general for a term of seven years with extensive rights, including the selection of subordinates, and the application of Macedonian taxes to local needs. The triumph at Constantinople, in July, of the Young Turks and the reforms announced by the new ministry (see *infra*, pp. 774, 775) brought temporary quiet to Macedonia, and early in August the Anglo-Russian proposals were withdrawn.—Towards the end of August, the northern Albanians threatened the new régime with difficulties, and an opposition of Macedonian Bulgarians to a centralized system of government became evident. With the latter, **Bulgaria** naturally sympathized, and several incidents in September served to increase friction between Prince Ferdinand's government and the Porte. On the ground that the Bulgarian minister at Constantinople was only the agent of a tributary state, he was not invited to the dinner of the diplomatic corps on the anniversary of the sultan's accession, and he was recalled by his government. Simultaneously the continued occupation of the Oriental Railway Company's lines by Bulgarian troops, who had taken possession of them during a strike, called forth protests from Turkey.—To this already menacing situation, Austria-Hungary early in October added another complication. On October 3, Emperor Francis Joseph, in an autograph letter to the French president, first publicly announced his intention of incorporating **Bosnia and Herzegovina** into his dominions and of evacuating the Turkish sanjak of Novi Bazar; and on the seventh he issued a rescript to the peoples of the principalities guaranteeing a modified form of autonomous government. Meanwhile, on the fifth at Tirnovo, the ancient capital of Bulgaria, Prince Ferdinand with his ministry proclaimed the principalities of Bulgaria and Eastern Roumelia an independent united kingdom and assumed the title of "Tsar of the Bulgarians." Almost simultaneously, the public authorities in **Crete** decreed the union of that island with Greece.

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The Ottoman government promptly protested to the powers against these violations of the treaty of Berlin and subsequent international agreements. —The action taken at Vienna aroused great excitement among the **Servians** and **Montenegrins**, who feared to be hemmed in by Austrian territory, and war along the Danube seemed for a time imminent. The Servian Skupshtina, convened in extraordinary session on October 10, called out 120,000 reservists, but it was stated that a shortage of ammunition prevented the immediate opening of hostilities. The detention by Austrian officials of General Vukotics, a special Montenegrin envoy to Servia, at Agram on October 20 created further ill-feeling, but the Austro-Hungarian government offered an apology, and it was reported on November 1 that calmer councils prevailed both in Servia and Montenegro.—The protest of the Ottoman government to the powers was answered by a Russian proposal for a **conference** of the signatories of the treaty of Berlin. This proposal was approved by France, Great Britain, Italy and Turkey, and subsequently it received the conditional approval of Germany, which had recognized the Austrian occupation of Bosnia and Herzegovina. The French and British press insisted that the Balkan entanglement had been plotted by Germany in order to sow discord among the parties to the recent *ententes*, Great Britain, France and Russia; but this was indignantly denied by Emperor William. It was reported that the program of Russia, France and Great Britain for the international conference would include the recognition of accomplished facts to date, the payment of indemnities by Bulgaria and Crete to Turkey, the purchase of the Oriental Railway by Bulgaria, the occupation and administration of the sanjak of Novi Bazar by Turkey, the renunciation by Austria of protection over Montenegro and the rectification of the Montenegrin and Servian frontiers. Direct negotiations on these matters between Bulgaria and the Porte and between Austria-Hungary and the Porte were opened on October 19 but without apparent results, the Turks preferring to leave the whole matter to the international conference. —Throughout this period of national revolution and international complication comparatively slight headway was made in the negotiations for the Macedonian **railways**. A draft scheme was signed at Paris in June for the construction of the Danube-Adriatic line under French supervision with capital apportioned as follows: French, 45 per cent.; Italian, 35; Russian, 15; and Servian, 5. The section of the Greek railway from the Piræus to the Turkish frontier was opened on September 6, but final arrangements for its continuation as well as for the construction of the Austrian line through Novi Bazar had not been effected at the close of this RECORD.

GENERAL EUROPEAN RELATIONS.—The **Dual Alliance** and the understanding between its members and **Great Britain** were strengthened in the summer by the holding of the Franco-British Industrial Exhibition at London, by an exchange of visits between King Edward and President Fallières and by visits of each of these heads of state to Nicholas II.—Both the French president and the emperor of Germany paid visits to the Scandi-

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navian countries.—The Balkan complications (see *supra*) and the Moroccan situation (see *infra*) tended to increase irritation between Great Britain and **Germany**, and Emperor William publicly hinted, despite denials from Paris and London, that his rivals were intent on isolating Germany. Late in October the London *Telegraph* published an interview accorded some time previously by Emperor William to an Englishman, in which the emperor asserted his steadfast friendship for Great Britain, as evidenced during the Boer War in the face of French and Russian hostility, and indicated that Great Britain and Germany had common interests in Morocco. This "calculated indiscretion" was generally condemned by the European press, and in Germany it elicited severe criticism of the Foreign Office.—The **Porte** in July transferred the protection of Ottoman subjects in China from France to Germany, and it was reported that the latter was negotiating for the protection of Turks in Siam and Abyssinia.—A customs agreement was ratified in August between **Servia** and **Austria-Hungary** after three years' negotiation.—The delimitation of the sea boundary between **Sweden** and **Norway** was submitted to arbitration in June.

AFRICAN AND ASIATIC RELATIONS.—There has been an improvement in the **Moroccan** situation (see last RECORD, pp. 354–356). The army of Abd-el-Aziz, while proceeding in May from Rabat towards Fez, was hemmed in by hostile tribes in the Beni Hassan country, and half its number deserted to Mulai Hafid while the remainder retreated to Rabat. Mulai Hafid occupied Fez on June 7 and on the 18th was proclaimed sultan at Tetuan. At Alcazar the troops of his rival mutinied and pronounced in his favor. Abd-el-Aziz undertook another forward movement in August, but he was utterly defeated near Marakesh by his brother's troops and by the treachery of his own men and fled to Settat. He later sought French protection at Casablanca. Mulai Hafid was proclaimed sultan at Tangier on August 23 and at once declared that he would abide by the act of Algeciras and would accept responsibility for his predecessor's public debts, amounting to some thirty million dollars. Germany proposed his immediate recognition by the powers, but the French and Spanish governments, supported by that of Great Britain, objected to such a proceeding without a sworn guarantee on his part to abide by the act of Algeciras and to reimburse their countries for military outlays as well as to pay indemnity for the murder of Frenchmen and Spaniards. The French troops were still fighting the tribesmen, with general success, in the region of Casablanca and along the Algerian frontier. Mulai Hafid issued a formal request to the powers for recognition on September 12, and on October 19 France and Spain recommended his provisional recognition on condition of his guaranteeing all the provisions of the act of Algeciras. Four thousand French troops left Casablanca in September and three thousand more at the end of October.—A sharp clash occurred at Casablanca late in September between **French** officials and representatives of the **German** consulate, resulting from an attempt on the part of the former to arrest a number of

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German deserters from the French foreign legion. It was proposed to express mutual regrets and to refer the matter to The Hague tribunal.—A convention was signed by Emperor Menelek and the Italian representative at Addis Abeba on May 16 defining the boundaries of **Italian Somaliland** and **Abyssinia**, by which Italy paid $600,000 and was guaranteed the possession not only of Lugh but also of the important caravan centre at the juncture of the rivers Dau and Ganana.—**Japan** withdrew in June all opposition to the construction by **China** of the Manchurian railway west of the Liau river (see last RECORD, p. 356). The Japanese government announced in October the reduction of its forces in northern China by two-thirds.—**French** claims arising from acts of **Chinese** revolutionaries who crossed into Tonquin in June were adjusted in October by an agreement that China should pay an indemnity of $100,000 together with the assessed damage to the French railway and should allow the extension of that railway to Sian-fu-but.—The **Persian** government apologized to **Russia** early in June and paid an indemnity for the Russian victims of tribal attacks in the province of Azerbaijan.

FOREIGN RELATIONS OF THE UNITED STATES.—During the past session of Congress, the Senate ratified arbitration treaties with Denmark, France, Great Britain, Italy, Japan, Mexico, Netherlands, Norway, Portugal, Spain, Sweden and Switzerland; also eleven Hague conventions relating to rights of neutrals, laws of war on land, hospital ships, naval bombardments and rights of the captured in naval warfare, restricting the employment of submarine mines, prohibiting the discharge of projectiles and explosives from balloons, providing for the pacific settlement of international controversies, limiting the employment of force for the collection of contractual debts, regulating the opening of hostilities and adapting the provisions of the Geneva convention to maritime warfare. (See RECORD of December, 1907, p. 748.)—No general settlement of the questions that have arisen between **Japan** and the United States as a result of the race conflicts in San Francisco (see last RECORD, p. 351) has yet been reached; but in July the emperor of Japan ratified the general arbitration treaty between the two countries, and on August 6 formal ratifications of a new copyright and trademark treaty were exchanged. It was reported on July 14 that, notwithstanding the precautions taken by Japan, a large number of Japanese laborers were entering the United States.—On October 8 an arbitration treaty was signed at Washington by Wu Ting-Fang, on behalf of **China**, and by Secretary Root on behalf of the United States.—In August the Foreign Office of **Great Britain** announced that a satisfactory *modus vivendi* regarding the Newfoundland fisheries for the season of 1908 had been reached by the exchange of notes, thus establishing another temporary agreement subject to the decision of the case by the Hague tribunal (see POLITICAL RECORD, December, 1907, p. 752).—On October 1 an agreement between Great Britain and the United States went into effect establishing a postal rate of two cents an ounce for letters.—A new postal convention was concluded with **Italy** on June 16 containing special arrangements

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for the transmission of parcels.—During the summer important conferences were held in **France** between French and United States commissioners appointed to make the preliminary adjustments for a new reciprocity treaty between the two countries.—In June the government of **Mexico** announced its belief that the disorders in progress along the northern borders were due largely to agitators who had fixed their headquarters within the territory of the United States, and Secretary Taft ordered United States troops to the Mexican borders with instructions to prevent the violation of neutrality laws. Ratifications of a general arbitration treaty between the United States and Mexico were exchanged on June 27.—Notwithstanding grave fears on the part of the administration at Washington, the provincial and municipal elections in **Cuba** on August 1 were conducted in an orderly fashion, and President Roosevelt in a message to Governor Magoon expressed his satisfaction at the serious way in which "the Cuban people are preparing for the assumption of their full duties as an independent republic." In these local elections the Conservatives showed unexpected strength. The presidential and congressional elections are set for November 14. The inauguration of the new president is fixed for January 28, just before the proposed withdrawal of United States control. (See last RECORD, p. 352.)—Owing to rumors that the coming presidential election in **Panama** would be accompanied by outbreaks, Secretary Taft visited the isthmus early in May, and in addition to investigating the political situation, he held important conferences with Panamanian authorities with regard to the pending treaty arrangements between the United States, Panama and Colombia. Later United States troops were dispatched to guard the polls at crucial points, but the municipal elections of June and the presidential election in July passed off without serious disturbances. United States commissioners aided in obtaining a fair count at the July election. (See last RECORD, p. 352.)—As a result of a conference between Acting Secretary Bacon and several representatives of the **Central American Republics**, emphatic notice was issued to the governments of the latter states that strict neutrality must be observed under pain of discipline from the United States and probably from Mexico.—The friction which has long existed between the United States and **Venezuela** (see last RECORD, p. 352) resulted in the withdrawal of United States diplomatic representation in June and the placing of American interests in the hands of the Brazilian legation. On July 1 the Court of Cassation confirmed the decision of the lower courts imposing a fine of $5,000,000 on the New York and Bermudez Asphalt Company. No appeal from this judgment is possible. About a week later President Castro ordered the withdrawal of the Venezuelan *chargé d' affaires* and the closure of the legation at Washington. Consular relations, however, were maintained and the course of trade was not interrupted.

OTHER AMERICAN RELATIONS.—The **Central American** High Court was opened on May 26 at Cartago in Costa Rica. Honduras and

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Nicaragua instituted suits before it in July against Salvador and Guatemala, charging them with promoting a revolution in Honduras and aiding Nicaguan refugees.—A convention was ratified in May for the delimitation of the boundary between **Brazil** and the Dutch colony of **Surinam**.—Treaties of amity and commerce were signed in September between **Chile** and **Ecuador**, providing for preferential duties and for a steamship service between the two countries—A boundary treaty between **Colombia** and Ecuador was promulgated on August 14.—A treaty of friendship and commerce between **Mexico** and **Honduras** was signed on May 28.—Boundary disputes between **Paraguay** and **Bolivia** and between **Peru** and Bolivia were submitted in July to the arbitration of the president of the Argentine Republic.—The minister of the **Netherlands** to **Venezuela**, M. de Reus, reported to his government early in May an outbreak of cholera at La Guayra, and the Dutch colony of Curaçao immediately established a quarantine. This angered President Castro, who denied the existence of cholera and on the 14th issued a decree prohibiting the transshipment at Curaçao of goods destined for Venezuelan ports, coupling with it emphatic protests against Dutch smuggling and filibustering. A Venezuelan coast-guard vessel seized two Dutch sloops on the high seas off Arubia in June, detained them two days at La Vela de Coro and took all letters on board which were not in mail bags. M. de Reus attacked this action and was expelled from the country by President Castro on July 22. Thereupon the Venezuelan consul was driven from Willemstad, the capital of Curaçao, after a demonstration by an angry mob, and diplomatic relations were broken off between the countries. The government of Queen Wilhelmina obtained the assurance that the American government would not oppose the use of force if no land were occupied. Three Dutch warships were despatched to Venezuela, and the Netherlands government delivered an ultimatum on August 20 demanding the revocation of the decree of May 14 and the observance of the protocol of 1894, to which President Castro returned a peremptory refusal on September 12, and on October 20 he directed the immediate defence of La Guayra in anticipation of a naval demonstration which the Dutch threatened for November 1.

INTERNATIONAL CONFERENCES.—At the request of the German and Italian governments, Queen Wilhelmina of the Netherlands in September invited all the states represented at the Second Hague Conference to take part next year in an international conference on the subject of bills of exchange and general monetary regulation.—The following congresses were held during the summer months: In June, the Pan-Anglican Congress at London and the International Woman's Suffrage Congress, representing twenty-three nations, at Amsterdam; in August, the Congress of the International Patent Union at Stockholm, and the Baptist Congress at Berlin; and in September, the Eucharistic Congress of the Catholic Church at London and the Interparliamentary Union at Berlin.

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II. THE UNITED STATES

THE ADMINISTRATION.—The receipts for the fiscal year ending June 30 were $599,895,763; the expenditures were $659,552,124, leaving a deficit of $59,656,361 as against a surplus of $84,236,686 last year.—On the call of President Roosevelt a **conference of governors** opened at Washington on May 13, to consider the conservation of the natural resources of the country. In addition to the governors, Mr. Bryan, Mr. Carnegie, Mr. James J. Hill and other distinguished guests were present. The conclusions of the assembly were formulated in a declaration that the president be commended for his action in calling the conference, that future meetings of the same kind be called to develop the spirit of coöperation, that a commission be appointed by each state to work together with a federal commission, that the present condition of our natural resources be investigated, that wise forest policies be adopted and developed, that Congress adopt a thoroughgoing waterway policy, and that laws be enacted to prevent waste in the extraction and utilization of natural resources. In accordance with the suggestion of the governors' conference President Roosevelt on June 6 appointed a national commission to advise with him on the conservation of our resources and to coöperate with commissions named by the state. The national commission is divided into committees on waters, forests, lands and minerals and an executive committee. Congress having failed to provide for the further existence of the **Inland Waterways Commission**, the president continued it by executive act, reappointing the former members.—With a view of making recommendations to Congress on the subject of improving the social, sanitary and economic **conditions of farm life**, President Roosevelt, in August, appointed an investigating committee headed by Professor L. H. Bailey.—In a formal opinion announced on August 1, Attorney-General Bonaparte passed on the new Oklahoma law guaranteeing bank deposits, holding that it was illegal for the **national banks** to enter into contracts or arrangements with state officials for the purpose of contributing to a guarantee fund to supply the deficiencies of other banking concerns. On the basis of this opinion, the comptroller of the currency ordered national banks in Oklahoma not to accept the conditions of the law.—The commission appointed by President Roosevelt last spring to investigate the conditions prevailing on the **Panama canal** made a formal report on August 6, stating that 33,193 men were employed, that more than two million cubic yards were being removed per month, that the sanitary conditions were satisfactory and that the administration of Colonel Goethals was to be commended.—The **Atlantic fleet** (see last RECORD, p. 358) reached Auckland in August, where it was received with enthusiasm. Later, in Melbourne, the authorities of the municipality, state and commonwealth joined in celebrating its arrival. On the longstanding invitation of Japan the fleet visited that country in October and met a cordial welcome on the part of the authorities and the people. The latter part of October one squadron went to Amoy, China, and the other to Manila.—Luke E.

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Wright succeeded Mr. Taft as secretary of war on July 1.—The trial of four persons charged with **land frauds** (see last RECORD, p. 358) ended in the latter part of June in the conviction of Frederick A. Hyde and J. H. Schneider. It was announced by the prosecution that more than 100,000 acres of land had been restored to the government as a result of the proceedings.—A special grand jury for the United States district court in Oregon returned seven indictments in June against prominent politicians and ranchmen, charging them with fraudulent schemes involving 30,000 acres in the Umatilla reservation.

THE DEPENDENCIES.—On June 30 the Bureau of Insular Affairs announced that W. Cameron Forbes, of Massachusetts, a member of the Philippine Commission, had been appointed vice-governor of the **Philippine Islands**, and that Gregorio Araneta, of Manila, Newton Gilbert of Indiana and Rafael Palma of the Philippine Islands had been appointed members of the Philippine Commission. Araneta received at the same time the secretaryship of finance and justice. On the eve of adjournment, July 19, the Philippine Assembly (see last RECORD, p. 359) declared by a vote of 57 to 5 that independence was the hope of the Filipinos, and that they were ready for it.—The Fourth of July was celebrated in Manila by a monster mass meeting, which adopted a petition requesting the American Congress to give to the Philippine Islands trade advantages equal to those enjoyed by Porto Rico.—The former charges against Mr. Post, governor of **Porto Rico**, were revived in October by an article in the *Porto Rico Eagle*, charging the governor with attacking the educational system, the American missionaries and the miraculous birth of Christ. The charge was met with a prompt denial; and the administration, having previously investigated the case, refused to re-open it. A special session of the legislature passed an irrigation act, designed to carry out a plan initiated by Governor Post.

CONGRESS.—The closing days of the first session of the Sixtieth Congress were principally consumed in heated and sometimes sensational debates on the **Currency Bill**, which ended with the passage of a compromise measure. On May 6 a conference of the Republican members of the House approved the general principles of the Vreeland measure (see last RECORD, pp. 359, 360) and, in spite of the opposition of the Democrats and several "insurgent" Republicans, this measure passed the House. In the Senate the Vreeland bill was rejected and a modified form of the Aldrich bill was substituted. After a hard fight in the conference committee, a compromise measure known as the Vreeland-Aldrich currency bill was reported on May 27 and was driven through the House on the same day, under the efficient direction of Speaker Cannon, by a vote of 166 to 140, thirteen Republicans voting with the Democrats against the measure. The Senate was notified of the action of the House at five o'clock in the afternoon and, after the reading of the bill, debate was postponed until the following day. The opposition was directed by Senators LaFollette, Stone and Gore. The first of these made, on the 29th and 30th, a record-breaking speech, lasting

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in all about eighteen hours and a half. Mr. Stone then spoke for about seven hours, and Mr. Gore, the blind senator, for two hours. When the latter finished his speech, he was unable to discover that Mr. Stone, who was scheduled to take up the discussion, was absent, and Mr. Aldrich seized the opportunity to call for a vote. This resulted in the passage of the bill by a majority of 43 to 22, five Republicans voting with the Democratic minority. The bill, as passed, provides for the formation of incorporated National Currency Associations of not less than ten banks each. A bank in such an association, having an outstanding bond-secured circulation amounting to not less than 40 per cent of its capital and having a surplus of 20 per cent, may, through the association, deposit as a basis for an emergency issue "any securities including commercial paper held by a national bank." The amount thus issued is not to exceed 75 per cent of the cash value of the securities so deposited; but if bonds of states, counties, cities or towns are deposited, the issue may be 90 per cent of their market value. Any national bank qualified as above may issue bank-notes on such bonds by applying directly to the comptroller. The tax is five per cent a year for the first month and one per cent a year for each succeeding month up to ten per cent. Arrangements are made for redemption and for geographical apportionment of issues. A commission of nine senators and nine representatives is created to inquire and report "what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking and currency."—The House committee charged with investigating the **paper trust** (see last RECORD, p. 360) having heard testimony, submitted in the latter part of May a "preliminary and partial report" against the adoption of the proposed measure removing the duties from wood-pulp and printing paper, and was instructed to continue its investigations during the summer.—The charges of corrupt lobbying brought by Representative Lilley (see last RECORD, p. 360) were investigated by a committee. It reported that the charges were baseless and severely reprimanded Mr. Lilley, accusing him of bad faith.—On motion of Mr. Payne the House Committee on Ways and Means was authorized to sit during the recess and hold hearings preparatory to a **revision of the tariff**. The Senate adopted a resolution authorizing its Finance Committee to secure expert assistance in making tariff investigations. These expedients made unnecessary the establishment of the proposed tariff commission (see last RECORD, p. 360).—The **appropriations** by Congress for the year totalled $1,008,804,894.57.— The **Monetary Commission** established by the Currency Bill was constituted by the appointment of Senators Aldrich, Allison, Burrows, Hale, Knox, Daniel, Teller, Money and Bailey, and Representatives Vreeland, Overstreet, Burton of Ohio, Weeks, Bonynge, Smith of California, Padgett, Burgess and Pujo. A sub-committee of the commission spent a part of the summer and autumn in Europe investigating the banking and currency systems of the leading countries.—A measure providing for the publicity of campaign

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contributions, to which was attached an amendment relating to the reduction of congressional representation in the states where negroes are disfranchised, passed the House on May 22 against a solid Democratic vote, but it was not taken up by the Senate.—Bills were passed providing for the payment of compensation to government employees injured in the performance of duty and for the better protection of railroad engineers and firemen, and a model child-labor law was enacted for the District of Columbia. Congress also ordered an investigation into the conditions of employees in telegraph and telephone companies doing interstate business and appropriated $150,000 for an inquiry into mine accidents.—Congress adjourned May 30.

THE FEDERAL JUDICIARY.—According to the decision of the Supreme Court in the case of Reuben Quick Bear *v.* Leupp, a declaration by Congress that the government shall not make appropriations for sectarian schools does not apply to Indian treaty and trust funds, nor are such appropriations of these funds in conflict with the federal constitution.—In Cleveland, Cincinnati, Chicago and St. Louis Railway Company *v.* Porter, the court upheld the Barrett law of Indiana, creating special taxing districts for local improvements and permitting, for purposes of taxation, the classification of properties into those immediately abutting and those lying a certain distance away.—In Mobile, Jackson and Kansas City Railway Company *v.* Mississippi it was held that a decree of a state court, requiring a railway company doing an interstate business to construct its lines within the state according to the terms of its charter and the orders of the state railway commission, is not an interference with interstate commerce.—In St. Louis *v.* United Railways Company it was held that the imposition of a license tax on a street railway company which had agreed to pay for the use of the streets was not an impairment of the obligation of contract, no exemption being granted in unequivocal terms in the original agreement.—In St. Louis, Iron Mountain and Southern Railway *v.* Taylor it was decided that the authority confered by the Safety Appliance Act of 1893 upon the Interstate Commerce Commission and the American Railway Association to promulgate certain standards for freight cars was not an unconstitutional delegation of legislative power.—According to Londoner *v.* Denver, due process in taxation includes notice to the tax payer and an opportunity for a hearing, and this requirement is not satisfied by giving him a right to file objections. (See also THE TRUST PROBLEM AND THE RAILWAYS, *infra.*)

THE NATIONAL POLITICAL CONVENTIONS.—The fourteenth national convention of the **Republican** party opened in Chicago June 16. Senator Burrows of Michigan, as temporary chairman, delivered the first address, in which the most significant utterance was a firm defence of the federal judiciary. The thorniest question which the platform committee had to handle was that relating to the use of injunctions in labor disputes. In this matter there were two contending elements which the convention could not ignore, namely, the American Federation of Labor and the

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National Manufacturers' Association. On June 18 seven candidates were placed in nomination, and on the first ballot the following vote was cast: Taft, 702; Knox, 68; Hughes, 67; Fairbanks, 40; Cannon, 58; Foraker, 16; La Follette, 25. Mr. Roosevelt, received three votes from Pennsylvania, although he had not been placed in nomination. On motion of General Woodford of New York, the nomination of Mr. Taft was made unanimous. The following day the ballot was taken for the vice-presidential nomination with the following results: James S. Sherman of New York, 816; Franklin Murphy of New Jersey, 77; Curtis Guild of Massachusetts, 75; G. L. Sheldon of Nebraska, 10; C. W. Fairbanks of Indiana, 1. —The **Democratic** national convention was called to order at noon on July 7 in Denver. The temporary chairmanship was assigned to Theodore Bell of California, who struck a popular chord in the assembly when he asserted that the injunction should not be turned into "an instrument of tyranny." There was some tension for a moment when a resolution regarding the late Mr. Cleveland was proposed, but it was carried without opposition. It was clear from the beginning that Mr. Bryan had the support of an overwhelming majority of the delegates; and on the second day the mention of his name started a pandemonium which lasted for one hour, twenty-five minutes and twenty seconds. Owing to the delay of the platform committee in bringing in its report, the nominating speeches were made first; and the names of Mr. Bryan, Governor Johnson of Minnesota and Judge Gray of Delaware were placed before the convention. The platform was then adopted without opposition, and at about three o'clock on the morning of July 10 a first ballot was taken, giving Bryan 892½, Johnson 46 and Gray 59½ votes. The nomination of Mr. Bryan was then made unanimous. In a quiet afternoon session John W. Kern of Indiana was nominated for the vice-presidency.—The **Socialist** convention was held in Chicago, May 13–15, and Eugene V. Debs of Indiana and Benjamin Hanford of New York were named as candidates for the presidency and vice-presidency.—The **Prohibition** convention held at Columbus, Ohio, on July 15–16, nominated Eugene W. Chafin of Illinois for the presidency and A. S. Watkins of Ohio for the vice-presidency.—The **Independence** party held its convention at Chicago, July 27 and 28. It nominated Thomas Hisgen of Massachusetts for the presidency and John Temple Graves of Georgia for the vice-presidency.—The **Socialist Labor** party, in its convention held in New York City early in July, nominated for the presidency Martin R. Preston of Nevada, who is serving a term of twenty-five years in the state penitentiary for a murder committed in a labor dispute at Goldfield. Donald Munro of Virginia was selected for the vice-presidency. In view of Preston's incarceration, August Gilhaus of New York ran as his proxy.—The **Populist** convention had been held in April (see last RECORD, p. 360).

THE PLATFORMS.—The Democratic and Republican platforms were in accord on a number of points, such as the admission of Arizona and New

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Mexico as separate states, liberal pensions, the encouragement of the national marine (for which purpose, however, the Democrats would not impose "new or additional burdens on the people" or give "government bounties"), the creation of national public-health agencies, the conservation of natural resources and the establishment of postal savings banks (which the Democrats favored if a guarantee of bank-deposits could not be secured). Both parties agreed that the **tariff** should receive an early revision, but the Democrats were more specific, favoring the removal of duties on trust-controlled products and the restoration of the tariff to a revenue basis. On the subject of **railway regulation**, the Republicans advocated such an amendment of the law as would give the railroads the right to make and publish traffic agreements subject to the approval of the Interstate Commerce Commission, provided the principle of competition were maintained, and they called for national legislation to prevent stock-watering. The Democratic platform was more explicit, demanding physical valuation of railway property, that railways should be prevented from entering into competition with their shippers, and that the Commerce Commission should be empowered to take the initiative in rate regulation, to inspect proposed schedules and to re-adjust unreasonable rates. The **anti-trust** plank of the Republican party proposed to give the federal government more extensive supervision and control over interstate corporations having power and opportunity to establish monopolies; the Democratic platform demanded the destruction of all private monopoly and recommended, as specific measures, laws preventing duplication of directors among competing corporations, establishing a federal license system and compelling licensed companies to sell their commodities at the same price throughout the country, subject to variations owing to cost of transportation. On the vexed question of **injunctions**, the Democrats reiterated their pledges of 1896 and 1904, providing for jury trial in cases of indirect contempt, and stated that "injunctions should not be issued in any cases in which injunctions would not issue if no labor dispute were involved." The Republicans, while insisting on preserving the integrity of the judiciary, declared that "the rules of procedure in the federal courts with respect to the issue of the writ of injunction should be more accurately defined by statute, and that no injunction or temporary restraining order should be issued without notice, except where irreparable injury would result from delay, in which case a speedy hearing thereafter should be granted." The Democrats condemned **imperialism** as a blunder and favored an immediate declaration of the nation's purpose to give the Philippines independence as soon as stable government could be established, subject to arrangements similar to those with Cuba. According to the Republicans, "the policies of McKinley and Roosevelt are leading the inhabitants step by step to an ever-increasing measure of home rule." As regarded **labor** questions, the Republicans pointed to their record (see *supra*, p. 755); the Democrats promised to create a department of labor and to free unions

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from the restrictions on combinations in restraint of trade (see last RECORD, pp. 360, 361). The Democratic platform, in addition, called for **popular election of senators**, an income tax, regulation of telegraph and telephone rates for interstate business, publicity of campaign funds, and legislation requiring the creation of a **national bank guarantee fund**, securing depositors in any insolvent national bank.—The platform of the Independence party favored anti-injunction legislation, the exemption of labor unions from the operation of the anti-trust laws, government ownership of public utilities and other radical innovations.—In his **speech of acceptance**, delivered on July 28, Mr. Taft declared that the chief function of the next administration would be to ensure the permanence of the reforms introduced by President Roosevelt. He approved the physical valuation of railway property, seemed to favor the exemption of labor combinations from the terms of the anti-trust law, dwelt at length on the injunction question and endorsed the popular election of senators, declaring at the same time that this was hardly a party question. Mr. Bryan, in his speech of acceptance, delivered August 12, adhered very closely to the terms of the platform and declared that the keynote of the campaign should be: "Shall the people rule?"

THE CAMPAIGN AND THE ELECTIONS.—Frank H. Hitchcock of Ohio was chosen by the Republicans as national chairman and George R. Sheldon of New York as treasurer. Norman E. Mack of New York was selected as chairman of the Democratic committee. Governor Charles N. Haskell of Oklahoma held the office of treasurer until supplanted by Mr. Herman Ridder of New York.—A significant feature of the campaign was the action of Samuel Gompers, president of the **American Federation of Labor**, in declaring himself personally in favor of Mr. Bryan and calling on organized workingmen everywhere to vote the Democratic ticket. The most sensational incident of the campaign was William Randolph Hearst's publication of a number of letters, purloined from the files of Mr. John D. Archbold, indicating that several prominent men of both parties had maintained relations with the **Standard Oil Company** and had used their political influence on behalf of that corporation. The first group of letters given to the public on September 17 and 18 involved Senator Foraker of Ohio and showed that he had been in receipt of large sums of money from Mr. Archbold. Mr. Hearst urged that Senator Foraker was merely a tool of the Standard Oil Company; Senator Foraker denied that there had been any irregular relations, but he withdrew from active participation in the campaign. At the same time Mr. Hearst attacked Mr. Haskell, treasurer of the Democratic national committee, charged him with being "the political paymaster of the Standard Oil Company," and stated that he had attempted to bribe Francis Monnett, attorney-general of Ohio, in an action against that company. Mr. Haskell denied all these charges. President Roosevelt joined in Mr. Hearst's denunciation of the Democratic treasurer; Mr. Bryan, for a time, stoutly defended him; but at length the pressure became too strong and, on

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September 25, Mr. Haskell resigned the office of party treasurer. Other congressmen and senators of less prominence were attacked by Mr. Hearst on the basis of letters of which the authenticity was not disputed. At a meeting in Carnegie Hall on the evening of October 24, Mr. Hearst read letters from Mr. Archbold to W. A. Stone, written when the latter was governor of Pennsylvania, asking him to appoint certain men to judicial offices, and also letters to Attorney-General Elkins of the same state enclosing certificates of deposit and requesting the officer to assist in blocking certain legislation.—Another feature of the campaign was the demand for the **publicity of contributions** to the party funds. Early in July Mr. Taft promised that the contributions to the Republican fund should be made public after the election in accordance with the New York law. This was speedily followed by an announcement, on behalf of the Democratic committee, that a list of all contributions over $100 and the names of the contributors would be published on October 15; and on that date Treasurer Ridder printed his statement, showing an aggregate of $248,567 contributed up to the 9th of that month.—The candidates of the two leading parties made extensive campaign tours, speaking in all the doubtful states and at the points deemed to be of chief strategic importance.—The **elections** occurred on November 3. At the close of this record it appears that Mr. Taft has 321 electoral votes and Mr. Bryan 162, the vote of Maryland being divided. Of the states which went Republican in 1904, Mr. Bryan carried Nebraska, Colorado and Nevada. Missouri and West Virginia gave the Republican candidate safe pluralities. New York state gave him a plurality of 203,000; he carried even New York city, losing New York county by a plurality of less than 6000. At the present time Mr. Taft's plurality is estimated at about 1,118,000, as against Mr. Roosevelt's plurality of 2,545,515 in 1904 and Mr. McKinley's plurality of 849,790 in 1900. It was only in the western states that the Republican majorities were seriously reduced; in the eastern states they were increased. The next House of Representatives will have 219 Republican members.—Ohio, Minnesota and Indiana, carried by Mr. Taft, elected Democratic governors. Missouri chose a Republican governor for the first time in more than thirty years.

STATE AFFAIRS.—The Democratic primaries in **Georgia** in June resulted in the defeat of Governor Hoke Smith, who had been chosen two years ago on a platform of railroad regulation and negro disfranchisement. A legislative investigation during the summer revealed many instances of cruel and inhuman treatment of convicts farmed out to various industries, and an extra session of the legislature in September passed a bill designed to abolish the convict lease system. The Georgia suffrage amendment passed by the legislature in 1907 (see RECORD of December, 1907, p. 757) was duly submitted to the voters of the state at the November elections and was ratified.—On August 7 the first **Illinois** primaries were held under the new radical measure that went into force on July 1, providing for direct nomination of the most important officials and strictly regulating party organiza-

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tion and machinery.—At a special and extremely agitated session of the legislature in **Indiana** a county local option bill was passed on September 26.—In consequence of the death of Senator Allison of **Iowa**, on August 4, the Iowa legislature attempted to select a successor. No candidate was able to secure a majority, and the legislature adjourned until November 24. —The first trial of the **Kansas** primary law, providing for direct nominations and subjecting all party machinery to legal regulation was made on August 4. About fifty per cent of the total vote of the state was polled.— The legislature of **Louisiana** passed in June a high license bill and a measure abolishing race-track gambling.—At the elections held on September 14, **Maine** adopted a constitutional amendment establishing a system of initiative and referendum.—An elaborate amendment disfranchising negroes will be submitted to the voters of **Maryland** at the next state election.—The action of the **Massachusetts** legislature on June 11 in defeating a railroad regulation bill has left the way open for the merger of the Boston and Maine and the New York, New Haven and Hartford lines (see last RECORD, p. 362) unless the courts intervene.—The new constitution for **Michigan**, drafted by a convention in the winter of 1907–1908, was ratified at the November elections. The significant features are the larger autonomy given to local governments, the regulation of legislative procedure, the increase in the governor's power and the modified initiative.—A constitutional amendment establishing the initiative and referendum was adopted at the **Missouri** elections in November.—A similar amendment, pending in **North Dakota**, requires approval by a second legislative assembly before submission.—A special session of the **New York** legislature held in June abolished race-track gambling.—An election on the liquor question, held in **North Carolina** in May, resulted in an overwhelming majority for prohibition.—The national banks in **Oklahoma** have been compelled either to surrender their charters or to reject the terms of the new state law providing for the guarantee of deposits (see *supra*, p. 752).—At the **Oregon** election, held early in June, a large number of counties went "dry"; equal suffrage was defeated; and George C. Chamberlain was selected as candidate for United States senator, a result which imposes on a Republican legislature an obligation to confirm the popular choice by electing a Democrat.—Of the persons accused of fraudulent transactions in connection with the construction of the **Pennsylvania** capitol building (see last RECORD, p. 363) three have been convicted but have appealed; five have been acquitted; others are yet to be tried.—The "night riders" in Kentucky, Tennessee and other southern states (see last RECORD, p. 362) committed various depredations during the summer and autumn. On October 20 Captain Quentin Rankin, a prominent attorney, was hanged by the raiders at Walnut Log in **Tennessee**, and Colonel R. G. Taylor barely escaped with his life. —A conference of **New England** governors was held in October, and the following questions were considered: tree planting, the protection of lobsters, clams and other shellfish, the construction of highways and the uniform taxation of automobiles.

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MUNICIPAL AFFAIRS.—As a result of an inquiry by the **Boston** finance commission six prominent officials of leading boiler and structural iron companies were indicted in August on a charge of conspiracy to defraud the city in bidding on competitive contracts.—The new three-cent fare on the street railways in **Cleveland**, Ohio, resulted in losses in May and June, but a surplus was shown in July. During the summer the street railway question greatly agitated the city, and in September an action was brought against the city of Cleveland, the Railway Company, the Municipal Traction Company, Mayor Johnson and the members of the City Council, declaring the Traction Company a fraud and asking for a receiver for the three-cent-fare road. On September 5, the municipal authorities decided to submit the franchise under which the Traction Company was operating to a popular referendum. The vote which was taken on October 22 resulted in a small majority against the franchise and, consequently, in a disapproval of Mayor Johnson's policy. The Cleveland Railway Company has now demanded from the Municipal Traction Company the return of the property.—At a special election held at **Kansas City**, Kansas, in June a proposition to establish commission government was defeated.—The inquest into the street railway systems of **New York City**, held under the auspices of the Public Service Commission (see last RECORD, p. 363), was concluded on May 22. The history of the Metropolitan Street Railway Company, the New York City Railway Company and the Metropoliton Securities Company was investigated, as far as the powers of the commission extended, and much material was accumulated for the use of the commission in the discharge of its duties. Criminal offences revealed by the inquiry were referred to the proper authorities. In June the Commissioners of Accounts presented the results of their investigation of Louis E. Haffen, president of the borough of the Bronx. Irregularities on the part of that official were estimated to have cost the city millions of dollars. The recount of the ballots cast in the mayoralty election of 1905, necessitated by Mr. Hearst's claim that the original count was fraudulent, was completed in July. It resulted in a net gain of 509 votes for Mr. Hearst and the confirmation of Mr. McClellan's election by a plurality of 2965. On July 1 Justice McCall of the Supreme Court decided that the reëlection of John F. Ahearn by the Board of Aldermen to the presidency of the borough of Manhattan immediately after his removal by Governor Hughes (see last RECORD, p. 364) was legal. Charges filed against District Attorney William Travers Jerome by the minority stockholders' committee of the Metropolitan Street Railway Company were investigated during the summer by Richard L. Hand, acting under appointment of the governor. The inquiry resulted in the exoneration of the district attorney. In September a legislative committee began an investigation into the finances of the city and its methods of bookkeeping.—T. L. Ford, chief counsel for the United Railways, charged with bribing former Supervisor Coleman in connection with the vote on the franchise of the United Railroads in **San Francisco** (see last RECORD,

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p. 364) was acquitted on May 2. Other indictments are pending against him. Abraham Ruef's trial, on the charge of having offered a bribe to ex-Supervisor Phillips in connection with an electric-road franchise, resulted in a disagreement of the jury. Against Ruef 111 indictments are still pending.

THE TRUST PROBLEM AND THE RAILWAYS.—The taking of testimony on behalf of the federal government in the proceedings looking toward the dissolution of **the Standard Oil Company** (see last RECORD, p. 364) was resumed in New York City on May 25 and continued (except for the summer adjournment) until September, when the hearing was removed to Chicago. On July 22 the $29,240,000 fine imposed on the Standard Oil Company in 1907 (see RECORD of December, 1907, p. 760) was set aside by the United States circuit court of appeals for the district of Chicago. On August 21 a petition for a rehearing was filed on behalf of the government.—The charges brought by the federal grand jury at Jamestown, New York, against the Standard Oil Company (see last RECORD, p. 364) were sustained in the federal court at Rochester, the jury rendering a verdict against the company on June 12. Motion for a new trial was made at once.—The closing arguments of counsel in the action of the federal government against the **American Tobacco Company** (see last RECORD, p. 364) were made on May 22.—The hearings instituted by the federal government in the matter of **the Powder Trust** (see last RECORD, p. 364) began in October.—In May the federal government initiated proceedings in Philadelphia looking toward the dissolution of the so-called **Anthracite Coal Trust.** On October 7 the taking of testimony in New York was began by United States examiner Gilchrist.—On June 5 the federal government began in the circuit court at Philadelphia an action against the seven great coal-carrying companies, *viz.* the Pennsylvania, the Reading, the Central of New Jersey, the Delaware, Lackawanna and Western, the Delaware and Hudson, the Erie and the Lehigh Valley railway companies, for **violation of the commodities clause** of the act to regulate commerce. On September 10 the court dismissed the suits against the companies, declaring the commodities clause drastic, harsh, unreasonable and a violation of the federal constitution, being contrary to the letter and spirit of the fifth amendment. On October 6 the court handed down an order allowing the federal government to appeal the case to the Supreme Court of the United States.—In the United States circuit court at Philadelphia, on May 23, the International Coal Mining Company obtained a verdict of $12,013 against the Pennsylvania Railway Company for rebate discrimination.—In the federal district court at Chicago, on August 7, the Atchison, Topeka and Santa Fe Railroad Company was fined $7000 for having paid an industrial concern a large bonus in the form of reduced freight charges for locating its plant on the company's line.—In May the federal government filed a bill in the United States circuit court at Boston against the New York, New Haven and Hartford Railroad Company for violation of the Sherman law in the formation of the merger with the Boston and Maine Railway Company and

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in the absorption of local trolley lines.—During the summer the proposition of the railway companies to raise freight rates in the territory east of the Mississippi and north of the Ohio and Potomac Rivers aroused a strong protest on the part of shippers, but the matter was laid temporarily at rest by the announcement on the part of the railway companies that no steps would be taken by them until after the elections.—There was a lull in the **activities of the states** in prosecuting corporations for infringement of the anti-trust laws. The American Tobacco Company was fined $1000 in June by a Kentucky court for violation of the law. The Massachusetts Supreme Court in May held illegal the action of the New York, New Haven and Hartford Railway in acquiring possession of several trolley lines within the state. Kansas, Missouri and Texas began proceedings in July to break up and drive out of the respective states a combination known as the **Lumber Trust**, which had been formed to raise the prices of lumber. In June James W. Osborne, appointed special deputy attorney-general by Governor Hughes, began proceedings against the **American Ice Company** and obtained four indictments against the corporation for acts in restraint of trade. In July Attorney-General Jackson brought an action to dissolve the company as an illegal combination.—In August the Alabama railroad commission filed with the Interstate Commerce Commission complaints against fourteen railway companies for having raised rates unreasonably by combination. About the same time similar complaints were filed on behalf of Texas, Georgia and Oklahoma. On September 3 Judge Vandeventer of the United States circuit court in St. Paul granted, on the application of several railway companies, an injunction restraining the Arkansas railway commission from interfering with the recent raising of rates and from enforcing the two-cent-fare law.

LABOR AND CAPITAL.—The Municipal Traction Company of Cleveland, Ohio (*cf.* MUNICIPAL AFFAIRS), began its career with a controversy with the Amalgamated Association of Street and Electric Railway Employees. It appears that the Cleveland Electric Railway Company had agreed, in case its franchise should be continued, to raise the wages of conductors and motormen and to adjust other grievances. The Municipal Traction Company however, which absorbed the Cleveland Electric Company, refused to recognize the agreement. The employees thereupon struck, and, in attempting to prevent the new concern from running its cars, the strikers cut wires, stoned cars and resorted to the use of dynamite. Mayor Johnson notified the strikers that he would keep order at all costs and run the cars as well. Efforts at arbitration were unavailing and, by the end of May, the strike was broken by the desertion of the men.—A serious strike of coal miners occurred at Birmingham, Alabama, in July and August, and in the accompanying disturbances several persons were killed. The prompt employment of troops by Governor Comer caused the labor leaders to give up the fight. During the summer there were extensive strikes of coal miners in Ohio and Indiana.—The strike of street-car workers in Chester, Pennsyl-

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vania (see last RECORD, p. 369), continued to be attended with violence. In May several cars were dynamited; on September 1 twenty-two men, including several union leaders, were arrested on warrants charging them with this offence.—As a result of strikes and the closing of several mills of the International Paper Company in New England more than two thousand paper workers were thrown out of employment in August. In October it was reported that many of the strikers were accepting the terms proposed by the company, *viz.* five per cent reduction in wages, and that a few mills were opening.—On June 30 three agents of the Carpenters' Union in Chicago were sentenced to thirty days in jail for violating an injunction ordering them not to call strikes on buildings under construction.—Samuel Gompers, president of the American Federation of Labor, and other labor leaders were cited on July 20 by Justice Anderson of the Supreme Court of the District of Columbia to appear in court on September 8 to show cause why they should not be punished for violating an order issued by Justice Gould forbidding them to continue an alleged boycott against the Bucks Stove and Range Company.—The Georgia legislature enacted an important convict-labor bill (see *supra*, p. 759).

THE RACE PROBLEM AND LYNCHING.—The most serious **race riot** of the year occurred at Springfield, Illinois, on August 14–19. The immediate cause of the outbreak was said to have been an assault upon a white woman by a negro on the night of August 13, but bitter feeling had been accumulating for some time as the result of similar offenses, and especially in consequence of the murder of a white man by a negro. On August 14 a mob stormed the jail for the purpose of lynching two negro prisoners, but the sheriff was able to spirit them away in an automobile. A general race war then ensued: early in the morning of August 15 a negro named Hunter, charged with having fired on the whites, was hanged and his body riddled with bullets; in the afternoon of the same day an aged and respected negro, George Donegan, was hanged; several houses occupied by negroes were burned to the ground; and 4000 soldiers were called out to maintain order. As late as August 17 troops were fired on by rioters and attempts were made to destroy other houses in the negro quarters. The following day, however, a rally of the respectable citizens of Springfield guaranteed the restoration of order, and Governor Deneen felt warranted in withdrawing a portion of the troops. A grand jury was at once assembled to indict offenders, a large number of whom had been arrested, and it was stated on September 10 that 117 indictments had been returned. Seven deaths and a large number of injuries were reported to have been caused by the riot.—During the night of June 21–22, six negroes were taken from a jail in Hemphill, Sabine county, Texas; five of them were hanged and one was shot; and for a short time there was a reign of terror throughout the county.—On July 28, a negro boy eighteen years old, charged with criminal assault on a white girl, was burned to death by a mob in the public square of Greenville, Texas.—During the night of July 28–29, a negro charged

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with criminal assault was taken from the jail in Lyons county, Georgia, and was shot to death by a mob.—On July 29, a negro in jail at Pensacola, Florida, for assaulting and mortally wounding a white woman, was taken out by a mob, after a desperate fight in which several men were killed, and was hanged in the public square.—On August 1, four negroes accused of having approved the recent murder of a white farmer by his tenant were hanged at Russellville, Kentucky.—In August a mob at Huntington, Long Island, attempted to batter in the jail and lynch a negro charged with assault, but were foiled by the authorities.—Late in September a number of **night riders** (see *supra*, p. 760) burned about twenty negro churches, schoolhouses and lodge buildings in Early, Baker and Calhoun counties, Georgia.—A negro charged with murder was shot by a mob at Younker, Georgia, on October 10.—On the same day and during a part of the following night an infuriated mob fought with the state troops and sheriff's deputies at Spartansburg, South Carolina, in an effort to break the jail and get possession of a negro charged with assaulting and slightly injuring a white girl. Several persons were wounded, but the authorities held the attacking party at bay.—On October 11, two negroes charged with shooting and fatally wounding a railway conductor were hanged by a mob at Lula, Mississippi.

III. LATIN AMERICA

The **Argentine** Congress passed in August the government bill providing for the construction of two battleships of 20,000 tons and several destroyers, the total estimates for army and navy being set down at $60,000,000, which the finance minister said could be paid out of ordinary revenue without fresh taxation or loans. Congress in September authorized the expenditure of $27,000,000 for the improvement of the port of Buenos Ayres.—Dr. Guachalla was elected president of **Bolivia** in June.—A national exposition was opened at Rio de Janeiro to mark the hundredth anniversary of the opening of **Brazilian** ports, and constituted the first concerted effort to display the various resources of the country.—The **Chilean** budget for 1909 carried estimates of about $75,000,000, a reduction of $5,000,000 over the preceding year.—A law promulgated on August 11, to become operative on January 1, 1909, abolished the former political divisions of **Colombia** and divided the republic into thirty-four departments, each of which must pay its revenues into the federal treasury.—The Conservatives were generally successful in the **Cuban** municipal and provincial elections on August 1. On August 24 the national convention of the Conservative party nominated General Mario Menocal for president and Rafael Montoro for vice-president. The Zayista and Miguelista factions of the Liberal party united on September 3 in nominating José Miguel Gomez for president and Alfredo Zayas for vice-president. The date of the presidential election was set by the provisional government for November 14.—Revolutionary forces, said to have been equipped on United States soil, attacked several small towns in northern **Mexico** in June, released prisoners from

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jails and robbed banks and post-offices, but were easily dispersed by government troops. Congress passed a new banking law on June 19 and in August effected an important tariff revision.—The withdrawal on July 4 of the candidacy of Señor Arias, the Constitutionalist leader in **Panama** and secretary of state under President Amador, assured the practically unanimous election on July 12 of Señor Obaldia as president.—On June 30, Dr. Emiliano G. Naveiro, vice-president of **Paraguay**, was proclaimed president, and after a week of fighting in the streets of Asuncion, the government troops were dispersed and President Ferreira and his ministers took refuge in the foreign legations. The new government gained general recognition throughout the country by the middle of July.—Señor Augusto B. Leguia, who was elected president of **Peru** in June, succeeded Señor Pardo on September 24.—General Ramon Caceres took the oath of office as president of **Santo Domingo** on July 1. (See also *supra*, pp. 750, 751.)

IV. THE BRITISH EMPIRE

THE UNITED KINGDOM.—Parliament adjourned on August 1. Of the various important measures promised by the government (see last RECORD, p. 371), only the Irish University Bill and the Old Age Pension measure were adopted. The former provides for the establishment by charter of new non-sectarian universities in Dublin and Belfast and the dissolution of the Royal University and of Queen's College, Belfast. The defeat of an amendment authorizing the erection of places of worship by private benefaction within the precints of the universities irritated the Nationalists and the Irish bishops. The **Old Age Pension** law provides for pensioning citizens of the United Kingdom who are residents thereof for at least twenty years, being seventy years or more of age and qualified to vote, in accordance with a sliding scale based upon private income, ranging from five shillings weekly to those whose annual incomes are 20 guineas or less down to one shilling weekly to those whose incomes are between 27½ and 30 guineas. The measure differs from the old out-door relief only in that the funds are provided by the central government, are more certain and slightly larger and carry with them no civil disability. The administrative machinery consists of local committees, chosen by councils of boroughs with a population of 20,000 and over and by county councils for the remaining territory, coöperating with pension officers appointed by the Treasury Department, from whose decisions there is no appeal to the law courts. The pensions are expected to cost $35,000,000 the first year, and the government déclares that this is only a beginning. The bill occasioned a lively debate between the two houses, the Commons claiming that an amendment of the Lords limiting the payment of pensions to seven years infringed their privilege of originating financial measures, and the amendment was ultimately withdrawn. Among the measures rejected or tabled was the long-debated Daylight Saving Bill, which provided for setting forward the clocks throughout the Kingdom by twenty minutes

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on each of the four Sundays in April and then back again a corresponding amount on each of the four Sundays in September. Parliament reassembled on October 12 and proceeded at once to debate the Licensing Bill, which had called forth several hostile demonstrations during the summer on the part of the liquor interests.—The reassembling of Parliament was the occasion for a particularly spectacular demonstration by several thousand "**suffragettes**" who attempted to mob the Parliament Buildings. Seventeen of those arrested were convicted on October 22 of disorderly conduct and sentenced to terms of imprisonment varying from three weeks to three months.—Some of the Protestant societies having invoked an old law against the celebration of Roman Catholic worship outside churches, the government felt itself constrained to prohibit the carrying of the Host through the streets on the occasion of the Eucharistic Congress in September. The archbishop of Westminster urged Catholics to form societies with a view to compelling Parliament to remove the remaining **Catholic disabilities**.—The Miner's Federation voted in June to affiliate with the Socialist Labor Party.—The government took evidence in August on the question of Welsh disestablishment.

CANADA.—The Dominion **Parliament** concluded its session in July. The measures passed included a Civil Service Reform Bill; an Old Age Annuities Bill; prohibition of the sale of tobacco to boys under sixteen; a change of provincial boundaries, by which Manitoba secured Fort Churchill and York Factory on Hudson's Bay, Ontario received a large northward extension and Quebec obtained the Canadian part of Labrador; and an Immigration Bill, providing among other things that only those Chinese may be admitted into the Dominion as students who have been *bona fide* students in China and who pay a poll tax of $300, such amount being refunded on the completion of a year's study in Canada. The House of Commons pledged itself to financial support of the "all-red" steamship project. The government, in order to secure the passage of the budget, had to drop its election-law amendment providing that the voters' lists in Manitoba and British Columbia be prepared by specially appointed federal officers.—An order in Council decreed in June that every **Asiatic immigrant** must have at least $200 to enter the country. Awards for compensation to Chinese and Japanese for losses caused by the Vancouver riots of last September raised the cost of that outbreak to $50,000.—The campaign for the **election** of a new Dominion Parliament, the eleventh since the confederation in 1867, was opened in August. Premier Laurier, the Liberal leader, made his appeal to the electors to be enabled to complete the work begun under his administration, notably the building of the National Transcontinental Railway, and maintained that his government had given Canada twelve years of unexampled prosperity, had turned the tide of immigration to that country, had promoted Franco-British unity and had given the Dominion a new status not only in the empire but thoughout the world. Mr. C. L. Borden, the leader of the opposition, made the fight

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almost wholly on questions of electoral purity and administrative reform. The elections, held on October 26, resulted in the Liberals being returned to power, though with a majority reduced from 66 to 50. Provincial elections in Ontario in June were favorable to the Conservative premier, Mr. Whitney. In Quebec, in the same month, the Conservative minority gained ten seats. The Liberals won the Saskatchewan elections in August.—Six towns in **British Columbia** were destroyed by forest fires early in August, involving a loss of $20,000,000.—The government of **Ontario** arranged in August for the construction of lines transmitting electric power from Niagara to neighboring cities.—**Quebec** celebrated its tercentenary with great enthusiasm in July. The Prince of Wales, Admiral Jaureguiberry of France, and Vice-President Fairbanks of the United States participated officially and exchanged felicitous greetings on the public dedication of the battlefield of Montcalm and Wolfe.

AUSTRALIA.—The Commonwealth **Parliament** adjourned for a three months' recess on June 4 after passing the Harbor and Coast Defence Bill, carrying expenditures of $1,250,000, and the Old Age Pension Bill, by which all indigent persons over sixty-five years of age who have resided in the Commonwealth for twenty years will be entitled to a pension of $2.50 weekly. Pensions are also to be given to persons over sixteen years of age who are permanently incapacitated. This measure is expected to cost $9,000,000 annually.—The **Federal High Court** gave judgment in May in favor of the Commonwealth in the dispute which arose a year ago (see RECORD of December, 1907, p. 767) with the authorities of New South Wales over the question of duty on a quantity of wire netting imported by the state government. In June the court declared unconstitutional the "new protection" act, levying excise duties on goods manufactured in Australia, in the production of which fair and reasonable wages have not been paid; and on August 4 it declared unconstitutional the registration of a trade-union label as a trade mark.—Lord Dudley, the new **governor-general**, who made his official landing and took the oath of office at Sydney on September 9, opened the Commonwealth Parliament on September 16. The three chief measures of the ministry were the determination of a site for the capital, the establishment of compulsory military training and a constitutional amendment legalizing the "new protection" duties.—The visit of the American fleet (see *supra*, p. 752) increased popular agitation in favor of the maintenance of an Australian navy.—Sir T. D. Gibson-Carmichael was appointed governor of **Victoria** in June.—The government program of **Western Australia**, as announced in July, embraced the founding of a university and of a system of public secondary schools, amendments to the liquor laws and the construction of four hundred miles of railways.

NEW ZEALAND.—The provisions of the **Arbitration Act** having proved inadequate to adjust various labor disputes, the government in September proposed two important amendments: first, retention by the em-

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ployers of twenty per cent of the workmen's wages until any fines that may have been imposed by the conciliation board shall have been paid, and second, substitution for the magistrates on the present boards of two salaried conciliation commissioners, under whom each side will appoint three assessors to make the final award.—The press reported a rapid growth of popular interest in the ideas of compulsory military training and the maintenance of a navy.—Parliament in October increased the Dominion's annual subsidy to the **imperial navy** from $200,000 to $500,000.

SOUTH AFRICA.—The movement towards **federation** has assumed definite form. An intercolonial conference of official representatives, held at Pretoria May 4 to 15, adopted the principle of closer union and proposed that a convention be organized consisting of twelve delegates from Cape Colony, eight from the Transvaal, and five each from Natal and Orange River Colony, provision being made also for the admission of Rhodesia. The proposed National Convention assembled at Durban on October 12 and proceeded to draft a federal constitution to be submitted to the several colonies for ratification. The smaller states naturally distrusted the expected compromise between representation by states and representation by population, but the only serious opposition to federation seemed to be in Natal.—The finances of **Cape Colony** were reported to be in a seriously disorganized condition, with a deficit of $4,500,000. The legislature in July adopted the government's measures for meeting the deficit: extension of the income tax to all incomes above $250, reduction of civil servants' salaries by five per cent and imposition of a stamp tax.—**Natal** adopted in September a graduated tax on individual incomes, with a maximum rate of five per cent on incomes over $5000. The trial of Dinuzulu, the native chieftain, was opened at Greytown late in October before three special British commissioners.—The first Legislative Assembly of **Orange River Colony** was opened on May 13. All the proceedings were bilingual, first in English, afterwards in Dutch. An Education Bill was adopted in July, placing the two languages on equal footing in instruction, the choice being left to the parents in each district. A bill authorizing compulsory military training was temporarily tabled.—The passage by the **Rhodesian** council of a registration act similar to that of the Transvaal caused Indian demonstrations and appeals to the British government for protection.—A Civil Service Bill published in the **Transvaal** on May 9 aroused English opposition on account of the extensive appointive power vested in the Botha ministry. Parliament, which was in session from June 15 until August, was concerned chiefly with a program of public works and the establishment of a land settlement board. There was a recrudescence in September and October of Indian opposition, in spite of some liberal amendments to the registration act, and the Indian leader, Dr. Gandhi, was arrested and deported.

INDIA.—An uprising of tribesmen along the Afghan frontier was suppressed in May and June by General Willcocks, with a British loss of 52

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killed and 206 wounded. The ameer of Afghanistan indignantly denied the charge that he had incited the revolt.—Mr. Tilak, the leader of the extreme Nationalists, was arrested in July on a charge of criminal libel and sedition, based on an article in his newspaper, and was condemned, by seven votes to two in a court in which the majority of the judges were British, to a fine of $330 and deportation from the country for six years. Demonstrations of sympathy for Mr. Tilak resulted at Bombay in serious riots and collisions with the troops. Business was at a standstill for several days. Numerous other editors and leaders of less importance were sentenced in August and September to various terms of imprisonment or to deportation for similar offences.—The total number of persons in receipt of state aid throughout India has steadily fallen until, on October 15, it was 48,000.

OTHER DEPENDENCIES.—The legislature of **British Guiana** revised the tariff in September and granted preferential treatment to the other members of the Empire.—The legislature of **Newfoundland** was dissolved in September and new elections were ordered for November 2. (For Egyptian affairs, see *infra*, p. 776.)

V. CONTINENTAL EUROPE

FRANCE.—**Parliament** closed its session on July 13. Only one important bill passed both chambers, that for the purchase of the Western Railway by the state. The Old Age Pension Bill (see last RECORD, p. 376) passed the Deputies, but the Senate was unable to agree with the lower chamber as to ways and means. The Income Tax Bill was also left over until the autumn session. The estimates for 1909 showed an increase of $12,000,000 in expenditures, but an item for the construction of two battleships of 20,000 tons was suppressed by the budget committee of the Deputies.—M. Thomson, minister of marine, resigned in October, in consequence of a vote of censure by the Deputies, and was succeeded by M. Picard.—A demonstration by Paris **workmen** in the building trades on July 30 was attended by collisions between the crowd and the troops. In the fighting at Villeneuve Saint Georges four civilians were killed and fifteen wounded, and sixty-nine soldiers were injured. The general strike decreed by the Confederation of Labor as a reply to the arrest of its leading officials by the government proved an utter fiasco.—The translation of the body of Émile Zola from Montmartre to the Panthéon on June 4 was attended by President Fallières, the cabinet officers, Major **Dreyfus** and a great assemblage, partly friendly and partly hostile. At the close of the ceremony an attempt by a reactionary journalist named Grégori to assassinate Major Dreyfus threatened to revive the old strife. Grégori was unanimously acquitted in September and the incident was closed. The Chamber of Deputies, shortly after reassembling in October, condemned by 438 votes to 47 the campaign of the anti-Dreyfusards against the decision in the case of Major Dreyfus handed down by the Court of Cassation in 1906.—**The Vatican** forbade in May the formation of ecclesiastical mutual aid socie-

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ties, and the property which might have been handed over to such organizations (see last RECORD, p. 376) was therefore given to public charitable institutions.—The **Paris** commune petitioned the government in July for the transfer to the city of the fortifications of Paris with a view to the construction of an outer circular boulevard and several public parks.—The **wine growers** were reported in considerable distress as the result of practically the total failure of the champagne vintage.

GERMANY.—The **imperial government** announced in September that the greatly increased expenditures would necessitate the establishment by the Reichstag of new sources of revenue.—The government decided in August, according to the *Cologne Gazette*, to admit women who are subjects of the empire to the universities on the same footing as men, but to require women of other countries to secure special permission from the minister of public instruction before matriculation.—A lively debate on the question of refusing to vote supplies attended the **Socialist Congress** at Nürnberg in September and showed tense feeling between the Prussian delegates and those from South Germany.—General Keim announced in July the secession of 140,000 members from the **Navy League.**—Maximilian Harden succeeded on a technicality in having the sentence passed on him for libeling Count Kuno von Moltke (see last RECORD, p. 377) reversed on appeal. The perjury trial of Prince Eulenburg, which grew out of the **Harden-von Moltke** litigation, was begun on June 29 but adjourned two weeks later on account of the prisoner's state of health. He was eventually released late in September.—In the June elections in **Prussia** seven Socialists were elected to the Landtag. No Socialist had ever before secured a seat in that assembly. The speech from the throne at the opening of the Landtag on October 20 indicated the intention of the government to introduce a modification of the existing antiquated three-class system, which has been the object of much animadversion in recent years.—Grand Duke Frederick of **Mecklenburg-Schwerin** announced on May 12 his intention of granting a constitution to his duchy, the only German state without constitutional government.

AUSTRIA-HUNGARY.—The golden jubilee of **the emperor's** accession was celebrated with great popular enthusiasm on May 7.—The **Delegations** assembled in October and approved the increase of the pay of army officers and the regulations for the administration of Bosnia and Herzegovina (see *supra*, p. 746).—The **Austrian** government carried on negotiations throughout the summer for the purchase of five railways, making a total of 17,836 kilometres of line owned by the state as against 4000 remaining in private hands.—Dr. Wahrmund, professor of canon law at Innsbrück, who had earned the hostility of the papal nuncio, resumed his lectures on June 1, relying on Liberal support, but the Clerical and Christian Socialist leaders, after several student riots, closed that university temporarily as well as the universities of Vienna and Gratz. The trouble was ended by transferring Professor Wahrmund to a chair at Prague.—The **Hungarian** government

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presented bills for free instruction in the national schools, for state support of private and religious schools, and for the establishment of agricultural secondary schools for children between thirteen and fifteen years of age.

RUSSIA.—The **Duma** took a recess from July 11 until October 28. Its acts before adjournment included approval of the budget, issue of an internal loan of $100,000,000, grant of a subsidy for steamship service between Vladivostok and China and Japan, and several measures against drunkenness. The Council of the Empire overruled the Duma in voting the construction of four battleships and in rendering members of the Constitutional Democratic and other unrecognized parties ineligible to office in the zemstvos or municipal councils.—The Missionary Congress of the **Orthodox Church**, sitting at Kieff in August, protested against freedom of conscience and recommended that persons not of the Orthodox faith should be forbidden to acquire land in the western provinces. The Holy Synod, contrary to the advice of its procurator, M. Isvolsky, as well as of Premier Stolypin, caused to be read in all the churches of Russia on September 6 an appeal to the faithful to abstain from celebrating Count Tolstoy's eightieth birthday, which fell on September 10.—**Army** reforms were inaugurated in August. Grand Duke Nicholas was relieved of command and all the military departments were subordinated to the ministry of war.—Because the minister of public instruction was empowered to forbid women to attend **university** lectures in future, the rector of the University of St. Petersburg resigned in September. In October there were several student strikes at St. Petersburg and at Moscow against governmental interference.—Considerable interest was aroused during the summer in the case of the patriot Nicholas Tchaykovsky, who had been detained several months in prison without trial on charges based on revolutionary acts alleged to have been committed thirty years previously. The government released him on October 26 on bail of $25,000, raised largely by his friends in England and the United States.—Serious post-office frauds were reported from Moscow. —M. Stolypin stated in the Duma on May 18 amid applause that his government had no purpose to infringe the constitutional privileges of **Finland**, but that the laws of the grand-duchy and of Russia should be coördinated wherever the empire at large was affected. The parties in the new Finnish Diet, which was elected in July and met on August 3, showed the following numbers: Swedish party, 25; Young Fennoman, 25; Old Fennoman, 54; Social Democratic, 83; Agrarian, 9; Christian Workmen, 2. All parties were united on the question of resisting Russian aggression, and the Young Fennoman president of the preceding Diet was reëlected.

ITALY AND THE HOLY SEE.—**Agrarian agitation** in Parma resulted in the declaration of a strike on May day involving some 40,000 workmen. Largely through ecclesiastical effort, the Agrarian Association, representing the landowners, reluctantly consented in June to meet representatives of the Chamber of Labor, but the strike was not ended until the latter part of

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July and then only after considerable rioting and great suffering.—The government recommended in May the appropriation of $35,000,000 for land and sea fortifications on the Austrian and French frontiers and an increase of $1,500,000 in the **army** budget for the purpose of raising the salaries of lower officers.—The king formally inaugurated the International Institute of Agriculture at Rome on May 23.—Signor Nasi, the ex-minister who recently underwent a term of imprisonment (see last RECORD, pp. 380, 381), was reëlected deputy for Trapani by popular vote in July, obtaining 3000 votes against 150 cast for his opponent. He declared that he would work for home rule in **Sicily**.—An important papal decree, which became effective on November 1, completely reorganized the **Roman Curia** and the various congregations. Among other changes, the congregation of the Propaganda was deprived of jurisdiction over Great Britain, the United States, Canada and Holland.

OTHER EUROPEAN STATES.—Elections on May 24, in connection with the biennial retirement of half the members of the **Belgian** chambers, resulted in reducing the Clerical majority from twelve to eight, the Socialists gaining five seats. The opposition had a popular majority of 20,000, but the system of plural voting saved the Clericals. The Deputies came unexpectedly to a vote, August 20, on the Congo treaty and the colonial law, carrying the one by a majority of 29 and the other by a majority of 42. The Senate adopted the former by 63 votes to 24 on September 9 and subsequently ratified the latter by 66 votes to 22. The net result was that Belgium took over the Congo, including the former crown domain with all its assets and liabilities, and in return, in addition to agreeing to pay certain subsidies, Belgium created two special funds, one of $9,000,000, to be expended on public works in Belgium, and the other of $10,000,000, to be paid to the king and spent by him, subject to ministerial responsibility, on objects connected with the colony.—General elections in **Bulgaria** on June 7 gave the Democratic party then in power 170 seats out of a total of 203. Prince Ferdinand opened the new Sobranye on June 28.—A joint commission of members of the **Danish** Rigsdag and of the Icelandic Althing reported in May a bill to regulate the union between Denmark and Iceland, by which Iceland is to be recognized as a free, autonomous and independent country united to Denmark by a common king and by common affairs, thus forming with Denmark a state federation, the united Danish Empire; a supreme court is to be established in Iceland; fisheries are to be nationalized; the Danish flag is to be retained in foreign relations but the Icelandic flag used in Iceland; and the Icelandic treasury is to contribute toward the king's civil list. The bill was cordially received in Denmark but evoked some unfavorable criticism in Iceland. It goes to the Icelandic Althing in the autumn. A printers' strike prevented the appearance of most of the Danish newspapers for a week in August. The arrest of M. Alberti, ex-minister of justice, charged with forgery and embezzlement of funds to the amount of $5,000,000, created a great scandal at Copenhagen early in

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September and eventually caused the resignation of the premier, M. Christensen. M. Neergaard formed a new cabinet on October 15.—M. Tomanovitch, the **Montenegrin** premier, charged the National and the Democratic party leaders with plotting against the reigning family. The treason trial, which was begun at Cettigne on May 25, brought out some sensational evidence by a Bosnian journalist, who implicated the crown prince of Servia in the manufacture of bombs to be used against Prince Nicholas. On June 27 six of the accused were condemned to death, three to life imprisonment, forty to detention for periods ranging from two to twenty years, and two were discharged. The implication of the Servian prince was officially denied at Belgrade.—King Manuel II of **Portugal** took the constitutional oath before the Chamber of Deputies on May 6. Many loyalist demonstrations were reported in the course of the summer. The Cortes, after protracted debates, approved the budget, which showed estimated revenue of $79,000,000 and expenditure of $80,000,000, and fixed the king's civil list at $1100 a day. The minister of finance was severely attacked in June for advances made to the late king and other members of the court. The Cortes in August passed a tariff bill empowering the government to double the existing duties on articles from countries which differentiate against Portuguese goods, and rejected a measure to expel the religious orders from the kingdom.—The elections for the **Servian** Skupshtina in June returned 81 Ministerialists, 46 Extreme Radicals, 16 Liberals, 8 Progressists and one Socialist. The result was a keen disappointment to the government.—The **Spanish** Cabinet in June restored the constitutional guarantees in the provinces of Barcelona and Gerona. The Cortes authorized an internal loan of $32,000,000. Disorders in Catalonia late in June were said to be the result of separatist agitation in that province. The queen gave birth to a second son on June 18.—The **Swedish** Riksdag, which closed in June, passed measures for the purchase by the state of the Svapavaara mines, the electrification of the state railways, and the establishment of a special governmental department for water falls and waterpower.—In **Switzerland** on July 5 a law forbidding the manufacture, sale or importation of absinthe was adopted by a popular vote of 236,232 to 137,702. The National Council, after a long debate, adopted a bill on October 7 providing for the insurance of workmen against sickness and accident.—In **Turkey** the liberal or Young Turk movement has been rapidly gaining strength; and on July 24, alarmed by repeated mutinies in the Macedonian army and urged by the Committee of Union and Progress, an influential group of the Young Turk party, the sultan decreed the restoration of the suspended **constitution** of 1876, proclaimed a general amnesty and ordered parliamentary elections for November 1. Great popular rejoicing followed. Said Pasha, the grand vizier, resigned, together with the other ministers of the old régime, and most of the palace officials fled from the country. Kiamil Pasha, a liberal, was entrusted with the formation of a new cabinet, and the Committee of Union and Progress assumed practical control of the government. The

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sultan swore fidelity to the constitution on the Koran, agreed to pay for new Houses of Parliament from his civil list, and announced that the permanent organization and attributes of the various ministries would be left to Parliament. On August 16 the Committee of Union and Progress published a program for the new government, embodying military and naval reorganization, an economical budget, free education, and recognition of equality of rights for all Ottoman subjects without distinction of religion or race.

VI. ASIA AND AFRICA

TURKEY-IN-ASIA.—The Hedjaz railway was opened on September 1, establishing direct communication between Damascus and Medina.

PERSIA.—The cabinet resigned on May 2 and, although reinstated on the 15th at the request of Parliament, lost its authority, by the shah's decree, to irresponsible members of the court clique. The province of Azerbaijan, following the leadership of Sata Khan, protested against the shah's act and declared itself autonomous. Great disorder ensued, attended by loss of life and property. Thousands of armed Nationalists rallied to the protection of Parliament at Teheran, but the shah prevailed upon Parliament to disperse them in June. The shah then executed a *coup d'état.* On June 22 he forbade all publications and on the 23d dissolved parliament by force and proclaimed martial law. Teheran was easily controlled by the royalist troops, but the anti-royalists under Sata Khan occupied Tabriz and in September defeated the government troops sent against them. Negotiations carried on through British and Russian intermediaries amounted to little; the anti-royalists refused to disarm until Parliament should be called together again, and the shah refused to renew the constitution until the rebels in Azerbaijan should submit. The shah late in September ordered the convocation on November 15 of a "trusty and pious" Mejliss.

CHINA.—The **government** in June appointed French advisers to the ministers of war and communications and established a college at Peking to train Chinese for the maritime customs service.—A **constitution** was promulgated on August 27, modeled, broadly speaking, on that of Japan. It contemplates the establishment of a representative parliament. It vests in the sovereign the right of promulgating laws; the convocation and dissolution of Parliament; the command of the army and navy; power to make war or peace, to receive and appoint ambassadors, to proclaim martial law and to issue pardons; the appointment of judges and the right of raising funds when Parliament is not in session and of fixing the expenses of the imperial household. Members of Parliament are not "to speak disrespectfully of the court nor slander others." An appended bill of rights states: "Officers and people who keep within the law will have freedom of speech, of the press and of assembly; they shall not be liable to arrest except as prescribed by law; they shall not be disturbed without cause in their possession of property nor interfered with in their dwellings; and they have the obligation to pay taxes and render military service and the duty of obedience to the law of the land." The constitution was ac-

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companied by an elaborate program of political, social and economic reforms, which the government plans to put gradually into force year by year until in 1917 the entire constitution and all the reforms become fully effective.—The government monopoly of the sale of opium was replaced in October by a licensing system.—The Dalai Lama, who left **Tibet** at the time of the British occupation, was received with great honor at Peking in September, and settled there, at least temporarily. It was reported that he offered some opposition to the Chinese policy in Tibet.

JAPAN.—The government announced in June an improvement in the **financial** condition and called attention to a surplus for the fiscal year just closed of $31,000,000.—The cabinet resigned on account of the ill health of Premier Saionji and, on July 14, a **new cabinet** took office, with Marquis Katsura as prime minister, Count Komura as minister of foreign affairs, General Terauchi as minister of war, and Admiral Saito as minister of marine. The main features of the new government's program of financial retrenchment, as published in September, included the extension of the six years' program of armaments to eleven years, abstention from all loans during that period, increase of yearly redemption of the national debt to a minimum of $25,000,000, curtailment of expenditures to the amount of $100,000,000 and postponement of the proposed international exposition at Tokio from 1912 to 1917.—The cruiser Matsushima was sunk early in May, in consequence of an explosion on board, and over two hundred lives were lost.—The **Formosan** trunk railway, 334 miles in length, was opened on October 25.—Prince Ito, the Japanese resident-general in **Korea**, stated at a banquet on May 17 that the object of Japanese occupation was to enable the Koreans to secure their independence in the future and become the allies of Japan. All property controlled by the Korean imperial household was transferred to the state in June, and at the same time the power of appointing local officials was withdrawn from the central government and conferred upon provincial inspectors. New law courts were opened in July with Japanese legal experts on the bench to administer the new codes.

EGYPT.—The Egyptian Liberals and Nationalists were deeply stirred by the news of the Turkish revolution (see *supra*, p. 774), and it was reported in October that the Party of Constitutional Reform was losing prestige on account of its subservience to the court and that the growing Party of the People was showing bitterness against the khedive as well as against the British. Several petitions were presented to the khedive for the grant of a constitution.

ABYSSINIA.—Emperor Menelek has named as his successor his grandson Lidj Eyassu.

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